



**BRIAN SCOTT DUNN vs SHERIFF MORGAN MILLIRONS**  
**Morgan Millirons on 04/07/2015**

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1	A P P E A R A N C E S		1	MORGAN MILLIRONS	
2	FOR THE PLAINTIFF: STRELKA LAW OFFICE, PC		2	having been sworn by the Registered Professional Reporter,	
3	Attorneys at Law		3	Lisa M. Hooker, to tell the truth, the whole truth, and	
4	119 Norfolk Avenue, SW		4	nothing but the truth, testified as follows:	
5	Suite 330		5		
6	Roanoke, Virginia 24011		6	EXAMINATION BY THOMAS E. STRELKA, ESQ.	
7	(540) 283-0802		7	Q. All right, please state your name for the	
8	(no fax available)		8	Record.	
9	thomas@strelkalaw.com		9	A. Morgan Millirons.	
10	BY: THOMAS E. STRELKA, ESQ.		10	Q. Good morning, Mr. Millirons. I identified	
11			11	myself earlier; I'm Tommy Strelka, counsel for the	
12	FOR THE DEFENDANT: GUYNN and WADDELL, PC		12	Plaintiff in this action. Just a few thing, basic rules.	
13	Attorneys at Law		13	Have you ever been deposed before?	
14	415 South College Avenue		14	A. I was deposed years ago in a civil action.	
15	Salem, Virginia 24153		15	Q. Okay.	
16	(540) 387-2320		16	A. In a vehicle accident.	
17	(540) 389-2350		17	Q. All right, I'm sure that you've testified	
18	jim.guynn@gmdlawfirm.com		18	many times in court?	
19	BY: JIM H. GUYNN, JR., ESQ.		19	A. Hmm-hmm.	
20			20	Q. And so Rule Number 1 is you just answered	
21	ALSO PRESENT: Brian Scott Dunn		21	perfectly my question, but you said "hmm-hmm."	
22			22	A. Oh, yes, I'm sorry.	
23	E X H I B I T S		23	Q. Okay, and so I would ask as we move	
24	DESCRIPTION	PAGE	24	forward, and I will try to remind you as we progress, but	
1	NUMBER				
2	Exhibit 6	Board of Supervisors Minutes dated 10-2-2013.			
3	Exhibit 7	Letter from Sherry Helsel to Mr. McKlarney dated 5-23-12.			
4	Exhibit 8	Animal Facility Inspection Report dated 5-10-12.			
5	Exhibit 9	Letter from Mr. Millirons to Mr. McKlarney dated 1-23-13.			
6	Exhibit 10	Letter from Ms. Helsel to Mr. McKlarney dated 9-30-13.			
7	Exhibit 11	Letter from Mr. McKlarney to Ms. Helsel dated 11-14-13.			

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1	all yes's and no's have to be yes's and no's.	1	A. He used to work for me.
2	A. Okay.	2	Q. Okay. And do you remember when it was that
3	Q. No huh-huh or uh-huh; a slight, you know,	3	he began to work for you?
4	miswording or mis-typing or misunderstanding, and the	4	A. Not exactly. I know that it was February
5	whole case will be flipped around; do you understand that?	5	or March of 2008.
6	A. I understand that.	6	Q. Okay. And what title did Mr. Dunn have
7	Q. And the other thing is, unlike normal human	7	when he began to work with you?
8	conversation, I mean, we're in a room, a nice room, and if	8	A. He was a deputy sheriff.
9	we were just talking, we would be talking all over each	9	Q. Okay. And was he -- did he remain a deputy
10	other, but she can only type what one person is saying.	10	sheriff throughout the course of his employment?
11	A. I understand.	11	A. He was a deputy sheriff, yes.
12	Q. So please wait until I have completely	12	Q. Was he ever given a promotion?
13	finished asking my question, even if you know exactly what	13	A. He was.
14	it is I'm going to ask, because it has to be all typed in	14	Q. And to what was he promoted; what rank was
15	there; do you understand?	15	he promoted to?
16	A. I understand.	16	A. He was a sergeant and then he was a first
17	Q. And you are not under arrest or anything	17	sergeant and then he was a lieutenant.
18	here today; you can take break, you can get water, speak	18	Q. Okay. And are you aware of the date in
19	with your attorney, and I will let you know, though, that	19	which Mr. Dunn was terminated from the sheriff's office?
20	if I ask you a question, you can't go, oh, okay, time out,	20	A. The exact date?
21	let me go and talk to Jim.	21	Q. Well, are you aware that it was in 2013?
22	A. I understand that.	22	A. Yes.
23	Q. You have to answer the question, and then	23	Q. Are you aware that it was in October of
24	you can go talk to Jim or go to the bathroom or whatever	24	2013?
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1	it is.	1	A. Yes.
2	A. Okay.	2	Q. The -- what I want to know is a little bit
3	Q. All right. Now, where are you currently	3	more about the structure of the office and the people that
4	employed, sir?	4	are there, okay?
5	A. Giles County Sheriff's office.	5	A. Okay.
6	Q. Okay, and you are the Sheriff of Giles	6	Q. So I want -- but I want to put it in the
7	County?	7	time line of October of 2013.
8	A. Yes, sir.	8	A. Okay.
9	Q. And how long have you been a sheriff at	9	Q. Okay, so at that point in time, how many
10	Giles County?	10	deputies were working for the sheriff's office in Giles?
11	A. Since January 1, 2008.	11	A. I don't know.
12	Q. And that is an elected position?	12	Q. Okay.
13	A. Yes, sir.	13	A. I don't know the answer to that.
14	Q. And is that -- have you served one term or	14	Q. Was it less than ten?
15	more than one term?	15	A. No, it was more than ten.
16	A. I am in my second term.	16	Q. Okay, less than 20?
17	Q. In your second term, okay, and is it your	17	A. Probably around 20.
18	understanding that, as a sheriff, you are a constitutional	18	Q. Okay.
19	officer under the Virginia Code?	19	A. If you are counting the school resource
20	A. Yes.	20	officers and animal control, it was more than 20.
21	Q. Okay. Now, are you -- do you know the	21	Q. All right, and just prior to his
22	Plaintiff in this matter?	22	termination, Mr. Dunn was a lieutenant?
23	A. Yes.	23	A. Hmm-hmm, yes.
24	Q. And how do you know the Plaintiff?	24	Q. Were there any other lieutenants then

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1	working at the sheriff's office?	1	Q. Yes, as far as rank is concerned?
2	A. Yes.	2	A. No.
3	Q. And about how many; do you know?	3	Q. Okay. And I don't mean it --
4	A. Lieutenant Gautier, Lieutenant Thwaites,	4	A. Well, just ask it.
5	and Lieutenant Hutchinson.	5	Q. Well, I don't mean it in a derogatory way,
6	Q. All right, now, as far as -- I would say,	6	but the lowest position, I'm not trying to say --
7	for lack of a better term, the corporate ladder of the	7	A. I understand.
8	sheriff's office?	8	Q. -- is a sergeant?
9	A. Okay.	9	A. The lowest rank.
10	Q. As far as the corporate ladder of the	10	Q. What is the lowest rank?
11	sheriff's office is concerned, if I was a lieutenant like	11	A. Sergeant.
12	Mr. Dunn at that time, would those other lieutenants that	12	Q. It is sergeant?
13	you just mentioned be exact peers, lateral peers; in other	13	A. Yes.
14	words, that they wouldn't be supervisory to Mr. Dunn or	14	Q. Okay, and the lieutenants have supervisory
15	subordinate to Mr. Dunn?	15	authority over the sergeants; is that right?
16	A. Yes.	16	A. Yes.
17	Q. Okay, now, if we're to go one rung up on	17	Q. Okay, and by that, let's break that down.
18	that corporate ladder at that time, who is up there?	18	Does a lieutenant have the ability to give a sergeant
19	A. That would have been Captain Joe Shanks.	19	directions, directives to perform certain tasks?
20	Q. Captain Shanks, and were there any other	20	A. He does.
21	captains at that time?	21	Q. Does a lieutenant have the ability to write
22	A. No.	22	up a sergeant for disciplinary violations, violations of
23	Q. Okay. And if we are proceeding up that	23	policy?
24	ladder at that time, in October of 2013, who is above	24	A. He does.
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1	Captain Shanks?	1	Q. Okay. But I don't think that a lieutenant,
2	A. Mike Falls, he was the chief deputy.	2	you know, could fire a sergeant?
3	Q. Chief deputy, okay, and it is my	3	A. No.
4	understanding that he had an accident?	4	Q. All right, and who possesses the authority
5	A. Yes.	5	in October of 2013 at the sheriff's office to fire any
6	Q. All right.	6	person who worked at the sheriff's office?
7	A. He will be here this afternoon. He is on	7	A. The sheriff.
8	crutches and all that good stuff.	8	Q. Okay. Who -- does the lieutenant in
9	Q. Okay, not fun. All right, so we have	9	October of 2013 have the authority to alter or change in
10	Falls, and if I were to proceed up that ladder, who is	10	any way the schedule, the work schedule, of a sergeant?
11	next above Falls?	11	A. He does.
12	A. That is me.	12	Q. Okay. Let's go to lieutenants. Are the
13	Q. Okay. Now, going back down the ladder, we	13	lieutenants in October of 2013, and let's say that Mr.
14	have the lieutenants again, do -- in October of 2013, is	14	Dunn is still working there, do they handle different
15	anybody -- you said that -- excuse me, I'm speaking all	15	areas of law enforcement or are there tasks and duties
16	gibberish now. Mr. Dunn was promoted to lieutenant from	16	uniform for each lieutenant?
17	the position of sergeant?	17	A. It is different areas.
18	A. Yes.	18	Q. Okay, so what area was Mr. Dunn working in
19	Q. Okay, and so in October of 2013, were there	19	immediately prior to his termination?
20	other sergeants that were beneath the lieutenants?	20	A. He was over patrol and he was part of our
21	A. Yes.	21	interdiction program.
22	Q. Okay, were there any other positions	22	Q. Okay. And when you say "interdiction,"
23	beneath sergeant at that time?	23	what do you mean by that?
24	A. You mean rank.	24	A. Stopping cars, you know, looking for

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<p>1 drugs. He had a drug dog.</p> <p>2 Q. Okay, was there any other lieutenant that</p> <p>3 was working in his section?</p> <p>4 A. They would occasionally.</p> <p>5 Q. Okay.</p> <p>6 A. On overtime.</p> <p>7 Q. Okay.</p> <p>8 A. Special details.</p> <p>9 Q. All right, I understand.</p> <p>10 A. And if they needed help, they would -- you</p> <p>11 know, we are a small department. We did what we had to</p> <p>12 do, and if there was a lieutenant there and we needed him</p> <p>13 to do something, I mean, the lieutenant had to perform his</p> <p>14 duties as a deputy sheriff as well.</p> <p>15 Q. Okay.</p> <p>16 A. And if the crime scene was being</p> <p>17 investigated and the investigator was there, he pretty</p> <p>18 much was more or less in charge of the crime scene.</p> <p>19 Q. Okay. And in -- so you just highlighted</p> <p>20 what Mr. Dunn -- his tasks were as a lieutenant. What</p> <p>21 were the other areas that lieutenants worked in in the</p> <p>22 other divisions or sections, whatever you called it, at</p> <p>23 the time in October of 2013?</p> <p>24 A. Okay, I had a Lieutenant Eric Thwaites, he</p>	<p>1 a while back for a civil matter. What was that about?</p> <p>2 Was that a lawsuit?</p> <p>3 A. This was a lawsuit. This was in Blacksburg</p> <p>4 and I worked a vehicle accident, and a young man tried to</p> <p>5 beat a car across the road and got hit.</p> <p>6 Q. Okay, so you were essentially a witness for</p> <p>7 the -- in the case at that time?</p> <p>8 A. Well, I was the investigating officer.</p> <p>9 Q. Sure.</p> <p>10 A. And I had to take the witness statements of</p> <p>11 everyone who saw it.</p> <p>12 Q. Okay, I understand. All right. We're here</p> <p>13 today because of a lawsuit. Have you had the opportunity</p> <p>14 to look or read, I will say read, the Plaintiff's</p> <p>15 Complaint that he filed in this case?</p> <p>16 A. I have.</p> <p>17 Q. Okay. And I'm going to go through a couple</p> <p>18 of the -- a number of paragraphs in there, okay, and I'm</p> <p>19 going to ask you, after I read it, if you agree with it or</p> <p>20 not.</p> <p>21 A. Okay.</p> <p>22 Q. And if you don't agree with it, I want you</p> <p>23 to tell me why you don't agree with it, okay?</p> <p>24 A. Okay.</p>
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<p>1 was over investigations.</p> <p>2 Q. Okay.</p> <p>3 A. Lieutenant Timmy Hutchinson, he was over</p> <p>4 court security, which is our Number One priority at the</p> <p>5 sheriff's office.</p> <p>6 Q. Okay.</p> <p>7 A. He took care of all transport orders. He</p> <p>8 was over civil process, he made sure that the civil papers</p> <p>9 were kept up to date, he made sure that the jury papers</p> <p>10 were out, and he made sure that there was enough court</p> <p>11 security for the courts.</p> <p>12 Q. Okay.</p> <p>13 A. And sometimes we were running two courts a</p> <p>14 day, Circuit Court and General District. He had to call</p> <p>15 extra people in to make sure that those were covered. We</p> <p>16 had Lieutenant Gautier and he was over narcotics and he</p> <p>17 was also an investigator, and if I needed him on the road,</p> <p>18 he also worked the road.</p> <p>19 Q. Okay. And does that cover everybody? Did</p> <p>20 we miss anybody there? You said Gautier, Dunn, Thwaites,</p> <p>21 and Hutchinson?</p> <p>22 A. Hutchinson, yes.</p> <p>23 Q. Okay. All right. And earlier you</p> <p>24 mentioned that you had testified in a deposition earlier,</p>	<p>1 Q. All right. Let's see. I will read this</p> <p>2 because we didn't really talk about this so I'm</p> <p>3 interested. This is Paragraph 3 of the Second Amended</p> <p>4 Complaint. "At the time that his employment with the</p> <p>5 sheriff's office ceased, the Plaintiff worked primarily as</p> <p>6 a lieutenant K-9 officer. However, the Plaintiff's job</p> <p>7 duties required the wearing of multiple hats;" would you</p> <p>8 agree or disagree with that?</p> <p>9 A. I agree.</p> <p>10 Q. We didn't talk about K-9 officers. In</p> <p>11 October of 2013, do you know how many K-9 officers you</p> <p>12 had?</p> <p>13 A. I had one.</p> <p>14 Q. Was that just Mr. Dunn?</p> <p>15 A. Yes.</p> <p>16 Q. And the simple fact that one is a K-9</p> <p>17 officer does not give that officer, that employee, any</p> <p>18 additional supervisory authority over anyone in the</p> <p>19 corporate ladder, does it?</p> <p>20 A. No.</p> <p>21 Q. All right. All right, and so this next</p> <p>22 paragraph, I kind of list some of the duties that Mr. Dunn</p> <p>23 did.</p> <p>24 A. Okay.</p>

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<p>1 Q. Okay, and so I'm going to read you some of</p> <p>2 the duties, and then I will say, do you agree, is that</p> <p>3 something that he did, and then we'll go to the next one.</p> <p>4 A. Okay.</p> <p>5 Q. Paragraph 4, "As an example of a</p> <p>6 nonexhaustive list in the course of his duties in his job,</p> <p>7 the Plaintiff, A, headed a drug interdiction program;" do</p> <p>8 you agree or disagree?</p> <p>9 A. Yes.</p> <p>10 Q. And B, "Possessed oversight and</p> <p>11 discretionary authority regarding maintenance of a fleet</p> <p>12 of law enforcement vehicles;" do you agree or disagree?</p> <p>13 A. Him being totally responsible?</p> <p>14 Q. "Possessed" -- I will read it again and we</p> <p>15 can talk more about it.</p> <p>16 A. Okay.</p> <p>17 Q. Because I want you to see whether you agree</p> <p>18 or disagree. "Possessed oversight and discretionary</p> <p>19 authority regarding the maintenance of a fleet of law</p> <p>20 enforcement vehicles;" do you agree or disagree?</p> <p>21 A. Disagree.</p> <p>22 Q. Okay, why do you disagree?</p> <p>23 A. Because if we needed something worked on at</p> <p>24 the school bus garage, we took it to the school bus garage</p>	<p>1 Q. But why did Mr. Dunn do that; was that part</p> <p>2 of his job?</p> <p>3 A. That was part of his job as a supervisor.</p> <p>4 Q. Did the other lieutenants do that?</p> <p>5 A. Yes, the sergeants did, and --</p> <p>6 Q. Okay.</p> <p>7 A. -- and if a sergeant saw something that was</p> <p>8 wrong, he fixed it.</p> <p>9 Q. Okay. So, what you are saying is kind of</p> <p>10 the oversight of the fleet of vehicles, as far as getting</p> <p>11 these things to repair shops if they needed it, I mean,</p> <p>12 that was on an individual basis; no one had to go to Scott</p> <p>13 Dunn to get it done?</p> <p>14 A. That's right.</p> <p>15 Q. Okay. I will read you this one. "He</p> <p>16 possessed oversight and discretionary authority regarding</p> <p>17 responses to employee grievances." Do you agree or</p> <p>18 disagree?</p> <p>19 A. Disagree.</p> <p>20 Q. Why is that?</p> <p>21 A. Because I had the grievances.</p> <p>22 Q. If a -- let me ask you this. Does the</p> <p>23 sheriff's office have a formal grievance process or</p> <p>24 procedure?</p>
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<p>1 and had it fixed, had it repaired, and I didn't have time</p> <p>2 to wait to go through Scott Dunn to get that finished or</p> <p>3 fixed.</p> <p>4 Q. Okay.</p> <p>5 A. And if he was around, we would tell him,</p> <p>6 but if he wasn't around, the guys went ahead and had the</p> <p>7 maintenance complete.</p> <p>8 Q. Okay. Where is the school bus repair shop;</p> <p>9 is that at the school?</p> <p>10 A. That is the County garage at the bottom of</p> <p>11 -- just 460 West going out of Pearisburg.</p> <p>12 Q. Okay, so, and I understand that you are</p> <p>13 talking about earlier about how you are not a big office</p> <p>14 and people have to do the work, essentially, you know,</p> <p>15 things have to get done?</p> <p>16 A. Yes.</p> <p>17 Q. But what I want to know is, did -- you said</p> <p>18 that if he was there, you know, an officer might go to</p> <p>19 him, so was he assigned some sort of duty regarding these</p> <p>20 vehicles?</p> <p>21 A. He -- he looked at the vehicles; he was a</p> <p>22 supervisor, and if he saw something wrong with the</p> <p>23 vehicle, he made a complaint on it. He had the guys go</p> <p>24 fix it.</p>	<p>1 A. Not really. If -- if he wrote -- if a</p> <p>2 sergeant wrote a field deputy up, then it would -- they</p> <p>3 would take care of the problem and it would come on up the</p> <p>4 ladder.</p> <p>5 Q. Okay. If -- let's say that an employee of</p> <p>6 the sheriff's office had a complaint about how things were</p> <p>7 going; you know, they didn't like something that happened</p> <p>8 at work or they didn't like how things were being done,</p> <p>9 and so how in October of 2013, how would -- how would a</p> <p>10 sergeant air that complaint? Is there any policy that</p> <p>11 gives them guidance?</p> <p>12 A. They would go to the supervisor.</p> <p>13 Q. That would be the lieutenant?</p> <p>14 A. That would be the lieutenant. If they</p> <p>15 weren't happy with the lieutenant, they would go to the</p> <p>16 next person in charge.</p> <p>17 Q. Okay. And so I'm going to read you the</p> <p>18 next paragraph, the next sentence; this is Letter D as in</p> <p>19 dog, "Possess supervisory authority over numerous</p> <p>20 employees of the sheriff's department;" do you agree or</p> <p>21 disagree?</p> <p>22 A. Agree.</p> <p>23 Q. And Paragraph E, "Maintained employees'</p> <p>24 schedules and leave requests;" agree or disagree?</p>

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1	A. Agree.	1	A. Okay. I told him that, you know, that he
2	Q. F, "Retained supervisory authority over	2	could run. There were other counties that had deputy
3	field operations;" agree or disagree?	3	sheriffs on the Board of Supervisors, and I told him as
4	A. I would agree.	4	long as it didn't interfere with his duties as a deputy
5	Q. All right. All right, and sitting here	5	sheriff in the Giles County sheriff's office, it would be
6	today, you are of course aware that Mr. Dunn is a Board	6	fine.
7	member of the Board of Giles County?	7	Q. Okay. As the Sheriff of Giles County,
8	A. Yes.	8	you -- would it be fair to say that you interact
9	Q. Okay. And he was a Board member during the	9	frequently with the Board of Giles County?
10	course of his employment at the sheriff's office, wasn't	10	A. Yes.
11	he, for a time?	11	Q. Are you present at all of the Board
12	A. Yes.	12	meetings?
13	Q. And when was the first he -- strike that.	13	A. No.
14	Do you recall when you first learned that Mr. Dunn wished	14	Q. Okay, but you are present at some of the
15	to seek a seat on the Board of Giles County?	15	Board meetings?
16	A. No, I don't.	16	A. Yes.
17	Q. Okay.	17	Q. Okay. All right, and are you familiar with
18	A. I remember him coming to me, telling me	18	an animal shelter within Giles County?
19	that he was interested in running for the Western End	19	A. Yes.
20	District for the Board of Supervisors, but as far as the	20	Q. And I've always just read it as the Giles
21	date and time, no, I don't remember that.	21	County Animal Shelter, but does it have a different name
22	Q. Okay. Was he a lieutenant at that time?	22	other than that?
23	A. I don't know.	23	A. If it does, I don't know about it.
24	Q. Okay.	24	Q. And that shelter is owned by the County of
Page 23		Page 25	
1	A. I think he probably was.	1	Giles; is that right?
2	Q. Where were you when you had this	2	A. I think it is.
3	conversation?	3	Q. Okay, and my understanding of that would be
4	A. I don't know.	4	that the Board of Giles County would then have authority
5	Q. Was it -- was it at the sheriff's office,	5	over the --
6	but you just don't know where?	6	A. Yes.
7	A. I'm not sure. It could have been in a	7	Q. Okay. But would you agree with me that the
8	parking lot for all I know.	8	Board has the authority to assign or -- well, strike
9	Q. It could have been over the phone?	9	that. At some point the sheriff's office took control of
10	A. It could have been over the phone or on the	10	the management of the Giles County Animal Shelter; is that
11	side of the road somewhere; I don't know.	11	right?
12	Q. Okay, I will read you this paragraph and	12	A. They did.
13	you let me know if you agree or disagree. Next Paragraph,	13	Q. And was that before you were elected
14	"Prior to running for the aforementioned elected seat,"	14	sheriff?
15	and in the previous paragraph they talk about how he ran	15	A. Yes.
16	for the seat of the Board, "the Plaintiff sought	16	Q. And so when you were elected sheriff, that
17	permission from Sheriff Millirons;" do you agree or	17	was kind of the status quo, was that the sheriff's office
18	disagree?	18	was in charge of running the Giles County Animal Shelter?
19	A. I agree.	19	A. Yes.
20	Q. And you gave him that permission?	20	Q. Okay. And does the sheriff's office today
21	A. Yes.	21	manage the Giles County Animal Shelter?
22	Q. And did you have any more detailed	22	A. No.
23	discussion about your roles, you know, his role, your	23	Q. And it is my understanding that the -- who
24	role, to move forward? Go ahead.	24	manages it now?

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<p>1 A. Giles County.</p> <p>2 Q. Okay.</p> <p>3 A. I don't know the person that is over it,</p> <p>4 the individual, but I know that I inherited it.</p> <p>5 Q. I understand. During your oversight of the</p> <p>6 animal shelter, the animal shelter -- how many -- how many</p> <p>7 employees staff the animal shelter?</p> <p>8 A. Just one.</p> <p>9 Q. And who was that?</p> <p>10 A. That was Chastity Dalton Perkins.</p> <p>11 Q. Okay, and what are her general duties?</p> <p>12 A. She cleaned and fed the animals.</p> <p>13 Q. And you've been inside of the animal</p> <p>14 shelter?</p> <p>15 A. Yes, I have.</p> <p>16 Q. And I've not; I've seen some pictures, but</p> <p>17 can you describe it briefly for the Record, what it looks</p> <p>18 like inside? Is it just like cages?</p> <p>19 A. Well, what do you call them, kennels or</p> <p>20 runs. They are metal, concrete floor, painted, and that</p> <p>21 is in the -- I don't know how many there is, maybe ten or</p> <p>22 twelve. It may not be that many, but there is a cat room</p> <p>23 with the cat cages in it as well, and the kennels are</p> <p>24 concrete and there is drains in them.</p>	<p>1 salary came from where?</p> <p>2 A. I guess the Board of Supervisors.</p> <p>3 Q. Okay. And -- okay, but the sheriff's</p> <p>4 office didn't pay Ms. Perkins directly?</p> <p>5 A. No.</p> <p>6 Q. How did that work?</p> <p>7 A. I would get an invoice from Greenbrier</p> <p>8 Contracting, and that is owned by Dave Hunt from Newport,</p> <p>9 Virginia.</p> <p>10 Q. Okay.</p> <p>11 A. And he would give me a statement for a</p> <p>12 monthly bill. He was supposed to give me a statement for</p> <p>13 a monthly bill. Sometimes he would wait three or four</p> <p>14 months before he would give me a statement. He would just</p> <p>15 get behind and then he would send three or four months at</p> <p>16 one time, and, you know, they would pay him.</p> <p>17 Q. All right.</p> <p>18 A. Then I guess that he would pay her.</p> <p>19 Q. Would the bills -- excuse me, the invoices</p> <p>20 from Greenbrier Services, the staffing company, would they</p> <p>21 come from your office or go directly to the County?</p> <p>22 A. I don't know if they would go to the County</p> <p>23 first or if they would come to my office first.</p> <p>24 Q. Okay.</p>
Page 27	Page 29
<p>1 Q. Okay. One of the functions of the animal</p> <p>2 shelter is to provide adoption services for --</p> <p>3 A. Yes.</p> <p>4 Q. Okay, however, during the time in which the</p> <p>5 sheriff's office managed the shelter, at times, animals</p> <p>6 would have to be euthanized; is that right?</p> <p>7 A. That's right.</p> <p>8 Q. And that could be either due to health</p> <p>9 reasons or perhaps overcrowding; would that be right?</p> <p>10 A. Yes.</p> <p>11 Q. And do you know when the sheriff's office</p> <p>12 was in charge of the animal shelter whether or not there</p> <p>13 was a policy in place by which if an animal had been at</p> <p>14 the shelter for a certain amount of time, then that animal</p> <p>15 would be euthanized?</p> <p>16 A. No.</p> <p>17 Q. Okay. So no policy like that existed?</p> <p>18 A. If it did, I don't know about it.</p> <p>19 Q. Okay. When you were -- when the sheriff's</p> <p>20 office -- when you were sheriff, assuming you are sheriff,</p> <p>21 did you have a policy book or manual that illustrated how</p> <p>22 the animal shelter should be operated?</p> <p>23 A. No.</p> <p>24 Q. And the funds to pay for Ms. Perkins'</p>	<p>1 A. I know that I would sign off on them when</p> <p>2 we got them, you know, when it was time for them to be</p> <p>3 paid. I don't know about if they sent them to the County</p> <p>4 administrator's office first.</p> <p>5 Q. All right. Excuse me just one second. Are</p> <p>6 you aware of how much Ms. Perkins was paid?</p> <p>7 A. I'm not sure. I think \$7.50 an hour, six</p> <p>8 hours a day, seven days a week, I believe.</p> <p>9 Q. Okay. And the way it worked at the</p> <p>10 staffing company, the bill would be a little higher for</p> <p>11 the staffing company for the hourly rate, and then --</p> <p>12 because the staffing company needs to take their cut,</p> <p>13 right?</p> <p>14 A. I guess.</p> <p>15 Q. So is it your understanding that Ms.</p> <p>16 Perkins was an hourly employee?</p> <p>17 A. She was a contract employee, six hours a</p> <p>18 day, seven days a week, according to Mr. Hunt.</p> <p>19 Q. Okay.</p> <p>20 A. And that was set up by a former animal</p> <p>21 control officer, William Clemons, we all know him as Buck</p> <p>22 Clemons, and he said that he could not go out and clean</p> <p>23 the kennels and feed the dogs and pick up animals, you</p> <p>24 know, during his routine patrols. He was spending too</p>



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<p>1 much time at the shelter, and he needed some help and they</p> <p>2 hired her to do that. I think that it was 2005 or 2006; I</p> <p>3 don't know exactly.</p> <p>4 Q. So that was all before you became sheriff?</p> <p>5 A. Yes.</p> <p>6 Q. All right. So it is your understanding</p> <p>7 that Ms. Perkins was an hourly employee, not a salaried</p> <p>8 employee, and by that I mean she got paid for the hours</p> <p>9 she worked, and it wasn't like she got a guaranteed amount</p> <p>10 and she could choose however many hours she wanted to</p> <p>11 work, right? It is my understanding that you are telling</p> <p>12 me that she was an hourly employee; would you agree with</p> <p>13 that?</p> <p>14 A. No.</p> <p>15 Q. No?</p> <p>16 A. No. It was -- I asked Dave Hunt, the owner</p> <p>17 of Greenbrier Contracting, and I said, is she supposed to</p> <p>18 be working six hours a day, and he said, Morgan, it was</p> <p>19 set up, if she worked two hours a day, if she worked six</p> <p>20 hours a day, she got paid six hours a day, seven days a</p> <p>21 week.</p> <p>22 Q. When did you have this conversation with</p> <p>23 Buck, this conversation --</p> <p>24 MR. GUYNN: Hunt.</p>	<p>1 A. I think she probably did, the last little</p> <p>2 bit of time that she was employed. I'm thinking that; I</p> <p>3 don't know exactly.</p> <p>4 Q. Okay, so it is your understanding that, the</p> <p>5 majority of the time that she was employed working at the</p> <p>6 shelter, she did not clock in or clock out?</p> <p>7 A. No.</p> <p>8 Q. Okay.</p> <p>9 (The Court Reporter read back the preceding</p> <p>10 question.)</p> <p>11 BY MR. STRELKA:</p> <p>12 Q. Is this a truthful statement, that for the</p> <p>13 majority of the time that Ms. Perkins worked at the</p> <p>14 shelter, she did not clock in or clock out; is that a</p> <p>15 truthful statement?</p> <p>16 A. That is a truthful statement.</p> <p>17 MR. GUYNN: Thanks. That was going to be a</p> <p>18 problem when we read the transcript.</p> <p>19 MR. STRELKA: No, no, that is a good eye.</p> <p>20 BY MR. STRELKA:</p> <p>21 Q. All right. Was there anyone at the</p> <p>22 sheriff's office who exercised any supervisory authority</p> <p>23 over Ms. Perkins?</p> <p>24 A. The animal control officer.</p>
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<p>1 THE WITNESS: Dave Hunt.</p> <p>2 BY MR. STRELKA:</p> <p>3 Q. Pardon me, thank you.</p> <p>4 A. I'm not exactly sure, but he wrote a letter</p> <p>5 for me during that time and he told me, he said, that is</p> <p>6 the way that they set it up with Buck Clemons. He said</p> <p>7 because sometimes, you know, she didn't need to be out</p> <p>8 there six hours a day and sometimes she could get the work</p> <p>9 done in two hours, maybe an hour, but he said she got paid</p> <p>10 six hours a day, seven days a week.</p> <p>11 Q. Okay. And so from this conversation, would</p> <p>12 it be fair to say that -- well, strike that. So would it</p> <p>13 be fair to say that during the course of her employment,</p> <p>14 Ms. Perkins, that you didn't know exactly how many hours</p> <p>15 she was working at the sheriff's -- at the shelter?</p> <p>16 A. I did not.</p> <p>17 Q. Okay. Is there a clock at the shelter?</p> <p>18 A. There is now, I think.</p> <p>19 Q. Okay. But during the time when the</p> <p>20 sheriff's office oversaw the shelter, there was no clock?</p> <p>21 A. There was a clock before I, you know, let</p> <p>22 the County have it.</p> <p>23 Q. Did Ms. Perkins ever punch in and out like</p> <p>24 on a time card when she got to work?</p>	<p>1 Q. Okay. And how many, and let's say in</p> <p>2 October of 2013, how many animal control officers were</p> <p>3 there?</p> <p>4 A. We had one full-time animal control officer</p> <p>5 that was Jeff Spicer.</p> <p>6 Q. Okay. And in October of 2013, do you know</p> <p>7 if he was a sergeant or a lieutenant or just --</p> <p>8 A. He is just an animal control officer.</p> <p>9 Q. So he was a separate --</p> <p>10 A. He was a deputy sheriff.</p> <p>11 Q. Okay.</p> <p>12 A. They were under the sheriff's office.</p> <p>13 Q. All right, and so let's put him in that</p> <p>14 corporate ladder, okay. In October of 2013, would a</p> <p>15 lieutenant like Mr. Dunn have supervisory authority over</p> <p>16 the animal control officer?</p> <p>17 A. If he was -- he was not considered a</p> <p>18 fieldman but he was a deputy sheriff.</p> <p>19 Q. So under the rank and file system then in</p> <p>20 place, he would have been beneath Mr. Dunn as a -- when</p> <p>21 Mr. Dunn was a lieutenant; is that right?</p> <p>22 A. He could have been, if he -- he would have</p> <p>23 been if he needed him for animal control.</p> <p>24 Q. Okay.</p>

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1	A. He -- he did not handle any law enforcement	1	paid?
2	issues. He only handled animal control issues.	2	A. The Board of Supervisors.
3	Q. Okay, but Mr. Dunn could call him and give	3	Q. Okay. During Ms. Perkins' employment at
4	him directions and order him to do tasks?	4	the animal shelter, did you ever write her up for any
5	A. Yes, if it had to do with animal control.	5	policy violation?
6	Q. Okay. And just to kind of flesh this out,	6	A. No.
7	Jeff Spicer could not call Lieutenant Dunn and give him	7	Q. All right.
8	directives and tell him what to do, could he?	8	A. Not that I know of.
9	A. No.	9	Q. Okay, would you have had the authority to
10	Q. All right, so could you describe -- just	10	do so?
11	flesh this out for me I guess is a good term to use, if	11	A. I would have.
12	you can, the relationship between the animal control	12	Q. Okay. Does Ms. Perkins have a personnel
13	officer and the employee at the shelter. I mean, you said	13	file that is at the sheriff's office at the time that she
14	that the animal control officer has some sort of	14	was working there?
15	authority, I believe, you said over Chastity Perkins when	15	A. No.
16	she worked at the shelter; is that right?	16	Q. Are documents related to the animal shelter
17	A. He would come in, and if something needed	17	maintained, records, at the sheriff's office?
18	to be done --	18	A. No, they are at the animal shelter.
19	Q. Can you give me an example?	19	Q. Okay.
20	A. If the animals needed to be looked after or	20	A. And at the County Admin.
21	something of that sort, he would tell her and she would	21	Q. You said earlier that you signed off on Ms.
22	get it done.	22	Perkins' time sheets?
23	Q. Okay.	23	A. No.
24	A. If there was one that needed special care,	24	Q. No?
Page 35		Page 37	
1	and if, you know, he would say, you know, this animal here	1	A. No, I said that I signed off on invoices.
2	is sickly, you know, you may want to keep an eye on it and	2	Q. Sorry, on invoices, from Greenbrier
3	help me out with this, she would do that, and if -- and	3	Services --
4	there had been times when she would call me and say, I've	4	A. Yes.
5	got one sick, can I take it to the vet.	5	Q. -- that pay her?
6	Q. Okay.	6	A. Yes.
7	A. You know, we need to get this animal looked	7	Q. Okay, and when you are presented the
8	at.	8	invoice, do you have -- are you ever presented with an
9	Q. All right.	9	allocation of the hours that Ms. Perkins has worked?
10	A. They kind of worked together.	10	A. No.
11	Q. Okay. Was there any other employee of the	11	Q. Okay. So you just get the bill and you pay
12	sheriff's office who exercised authority other than this	12	the bill; is that what you are saying?
13	animal control officer over this worker, Ms. Perkins?	13	A. Yes.
14	A. I would -- I would imagine if I wasn't	14	Q. Okay, does the bill --
15	there, you know, the supervisor that was there, either the	15	MR. GUYNN: I think he said that he sends
16	major or the captain, you know, if I wasn't available.	16	the bills to the Board of Supervisors to be paid.
17	Q. Okay. And so what you are saying is the	17	BY MR. STRELKA:
18	corporate hierarchy, or for lack of a better term,	18	Q. All right, so you process the bill to the
19	corporate ladder, for lack of a better term, the ranking	19	Board of Supervisors where it's then paid?
20	system, rank and file?	20	A. Yes.
21	A. Okay.	21	Q. Okay. And have you ever disputed an amount
22	Q. Was such that -- well, how should I word	22	that was on that invoice with Greenbrier Services?
23	this. I'm going to strike all of that nonsense. Who	23	A. No.
24	determines how much money Ms. Perkins is going to get	24	Q. All right.

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<p>1           A.     I -- I did one time, because I had to call 2     them and tell them that I had not received a bill. 3           Q.     Okay. 4           A.     And it was like for the month of January 5     and I called him back and I told the secretary, I said, we 6     have not received a bill from like September through 7     December. 8           Q.     Okay. 9           A.     To that effect, and he checked his records 10    and he sent a bill in for that. 11          Q.     Okay. Okay. 12          A.     But as far as -- they have all been the 13    same. 14          Q.     Do you physically sign the invoices before 15    you send them to the County? 16          A.     Yes. 17          Q.     All right. And so the funds, like you 18    testified, the funds that paid for Ms. Perkins are 19    allocated by the County? 20          A.     Yes, the Board of Supervisors. 21          Q.     Okay, and the funds to pay for the animal 22    control officer are from the County as well? 23          A.     Yes. 24          Q.     Okay. I'm going to read you this paragraph</p>	<p>1     officer? 2           A.     He was. 3           Q.     Is he related to Ms. Perkins? 4           A.     He is her father. 5           Q.     Are you aware of an entity called Giles 6    Animal Rescue, formally Giles County Animal Rescue? 7           A.     I am. 8           Q.     And what is your -- what do you know about 9    them? 10          A.     I don't know a whole lot. 11          Q.     Okay. 12          A.     They -- I don't know if this is the group 13    or not that was causing problems at the shelter, but they 14    wanted to participate and I agreed, and I had things 15    missing, water buckets, dog leads, things like that. The 16    office was broke into while Chastity wasn't there, nor was 17    Melvin or the other part-time animal control officer, and 18    I stopped it all. 19          Q.     Okay. All right, and let's -- let me just 20    go back to what you said. You said the other part-time 21    animal control officer? 22          A.     Yes. 23          Q.     Who was that? 24          A.     That would have probably been Frank Gough</p>
Page 39	Page 41
<p>1     from the Complaint and you tell me if you agree or 2     disagree. 3           A.     Okay. 4           Q.     Paragraph 15, "At all times pertinent to 5     this Complaint, the sheriff's department was allocated 6     funds specifically for the hiring of two full-time animal 7     control employees to staff the shelter;" is that a 8     truthful state or not? 9           A.     Read it again. 10          Q.     Again, okay. "At all times pertinent to 11    this complaint, the sheriff's department was allocated 12    funds specifically for the hiring of two full-time animal 13    control employees to staff the shelter." 14          A.     No. 15          Q.     Okay, and why is that not truthful or why 16    do you disagree? 17          A.     The animal control officers did not staff 18    the shelter. 19          Q.     Okay. 20          A.     The animal control officers were put out 21    there to pick up, you know, unwanted animals, domesticated 22    animals. They hired Chastity to staff the shelter, 23    Chastity Perkins to staff the shelter. 24          Q.     Okay. Was Melvin Dalton an animal control</p>	<p>1     at the time. 2           Q.     Okay, so you had a -- during the period of 3     time in which the sheriff's office was in charge of the 4     shelter, at the shelter, you've got Chastity Perkins, but 5     you've also got a full-time animal control officer? 6           A.     Yes. 7           Q.     And you have a part-time animal control 8    officer? 9           A.     Yes. 10          Q.     And didn't that part-time animal control 11    officer have some health issues; wasn't he out of work for 12    a period of time? Maybe it wasn't health issues. 13          A.     No. 14          Q.     No? 15          A.     No. 16          Q.     How frequently did the part-time, you know, 17    per week, roughly, the part-time animal control officer 18    work? 19          A.     He would probably have worked three or four 20    days a week. 21          Q.     Okay. 22          A.     Then he would take off and go to Florida on 23    vacation for two or three months at a time. 24          Q.     Okay, that is what I was getting at.</p>

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<p>1 A. He doesn't have any health issues.</p> <p>2 Q. Okay. So he was allowed vacation for two</p> <p>3 to three months?</p> <p>4 A. He was.</p> <p>5 Q. And did you approve that?</p> <p>6 A. I did.</p> <p>7 Q. And did -- I mean, I've just never heard of</p> <p>8 anyone, outside of working in France, taking three-month</p> <p>9 vacations? I mean --</p> <p>10 A. If -- if something would come up and we</p> <p>11 would need him, need somebody, somebody else would fill</p> <p>12 in, would take his vehicle and pick up an animal.</p> <p>13 Q. Okay.</p> <p>14 A. And we always okayed that month or months</p> <p>15 ourselves before he would take off.</p> <p>16 Q. Okay. All right, now, let's go back to</p> <p>17 that. I asked a question about Giles Animal Rescue.</p> <p>18 Let's go back to volunteers. All right, during the period</p> <p>19 of time in which the sheriff's office was managing the</p> <p>20 shelter, did volunteers perform any services at the</p> <p>21 shelter?</p> <p>22 A. They would come in and, you know, walk the</p> <p>23 dogs; some would help clean, some would help feed.</p> <p>24 Q. Okay. Do you have any idea of how many</p>	<p>1 Q. So the increase in frequency of volunteers</p> <p>2 at the sheriff's -- excuse me, at the shelter, that</p> <p>3 occurred during your tenure as Sheriff?</p> <p>4 A. Yes.</p> <p>5 Q. Did the sheriff's office implement any</p> <p>6 requirements or policies regarding these shelter</p> <p>7 volunteers?</p> <p>8 A. When -- just before I took -- I let it go</p> <p>9 back to the County, we were going to make a policy on an</p> <p>10 age requirement. I don't think we ever made that.</p> <p>11 Q. Okay. Okay. Were volunteers able to</p> <p>12 access the shelter and the animals within if Ms. Perkins</p> <p>13 was not at the shelter?</p> <p>14 A. Yes, there was a key in this dispatch.</p> <p>15 Q. And where is dispatch?</p> <p>16 A. That is -- it is at the intersection of</p> <p>17 Curve Road and Mountain Lake Road. It is just a block and</p> <p>18 a-half away from the sheriff's office; it is the old</p> <p>19 ambulance building, because that is where we had to put</p> <p>20 the 911 communication system in because we didn't have</p> <p>21 enough room at the sheriff's office at the time.</p> <p>22 Q. When was the decision made to put that key</p> <p>23 there?</p> <p>24 A. I think that it was there before I ever</p>
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<p>1 volunteers, how many people, did this while you were in</p> <p>2 charge of the shelter?</p> <p>3 A. Not really.</p> <p>4 Q. Okay.</p> <p>5 A. It started out with two or three and, you</p> <p>6 know, that was fine.</p> <p>7 Q. Okay.</p> <p>8 A. I went by one day and I saw eight or ten</p> <p>9 cars out there. They weren't doing anything. They were</p> <p>10 just hanging around. It had become a hangout for college</p> <p>11 kids.</p> <p>12 Q. So a number of volunteers were from</p> <p>13 Virginia Tech; is that right?</p> <p>14 A. I don't know if they were from Virginia</p> <p>15 Tech or Radford University.</p> <p>16 Q. Okay. All right. When you became -- when</p> <p>17 you first became sheriff of Giles County, had volunteers</p> <p>18 to your knowledge ever performed services at the sheriff's</p> <p>19 office before?</p> <p>20 A. No. Well, I did have one.</p> <p>21 Q. Okay.</p> <p>22 A. Marilyn Hollie.</p> <p>23 Q. Okay.</p> <p>24 A. And as far as I know, she's still there.</p>	<p>1 took over.</p> <p>2 Q. Okay. And if I was a volunteer at that</p> <p>3 time, let's say in October of 2013 -- well, before then,</p> <p>4 let's say if I was a volunteer, how would I access that</p> <p>5 key? How would I get that key?</p> <p>6 A. You would go to the sheriff's office and</p> <p>7 pick it up.</p> <p>8 Q. And there would be an employee at the</p> <p>9 sheriff's office, I would tell them who I was, and they</p> <p>10 would give it to me?</p> <p>11 A. Yes.</p> <p>12 Q. So it wasn't in like a lock box with a</p> <p>13 combination that somebody would drive up and take it?</p> <p>14 A. No, the dispatcher had to give it to you.</p> <p>15 Q. And the dispatcher was an employee of the</p> <p>16 sheriff's office?</p> <p>17 A. Yes.</p> <p>18 Q. And there was just that one key?</p> <p>19 A. It was supposed to be one key.</p> <p>20 Q. Okay.</p> <p>21 A. And there were multiple keys after that.</p> <p>22 Q. Okay.</p> <p>23 A. That is when we changed the lock.</p> <p>24 Q. All right. So are you saying that, without</p>

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<p>1 your authorization, other keys were made?</p> <p>2 A. Yes.</p> <p>3 Q. So it is your belief that volunteers were</p> <p>4 making these keys?</p> <p>5 A. Yes.</p> <p>6 Q. Do you know if Ms. Perkins ever made any</p> <p>7 copies of the keys?</p> <p>8 A. No, I don't.</p> <p>9 Q. Did you ever ask her?</p> <p>10 A. I did.</p> <p>11 Q. And what did she say?</p> <p>12 A. She told me she didn't know where the keys</p> <p>13 came from.</p> <p>14 Q. What kind of -- you started to talk about</p> <p>15 some issues and problems that you were having with</p> <p>16 volunteers?</p> <p>17 A. Hmm-hmm.</p> <p>18 Q. Let's go through that.</p> <p>19 A. Okay.</p> <p>20 Q. What kind of problems were they giving you?</p> <p>21 A. I was missing equipment at the -- well, I</p> <p>22 wasn't missing it. There was equipment disappearing at</p> <p>23 the shelter.</p> <p>24 Q. Okay. And how -- let's go to that. How</p>	<p>1 streets, it would have been bad, and we were lucky that</p> <p>2 nothing like that disappeared, and there was no money</p> <p>3 there because the money was kept at the treasurer's</p> <p>4 office. You know, if a civilian or citizen wanted to come</p> <p>5 in and adopt a dog, they made a deposit and it was taken</p> <p>6 to the treasurer's office. Once they went and had it</p> <p>7 spayed or neutered, they brought the paperwork back and</p> <p>8 the treasurer's office would give them a refund on their</p> <p>9 deposit. We didn't ever have any money that disappeared.</p> <p>10 The paperwork was shuffled, and the equipment was missing</p> <p>11 out there.</p> <p>12 Q. So this office, is that within the shelter?</p> <p>13 A. Yes, yes, sir.</p> <p>14 Q. And that office has its own lock?</p> <p>15 A. It does.</p> <p>16 Q. And the volunteers didn't have a key to</p> <p>17 that lock, did they?</p> <p>18 A. No.</p> <p>19 Q. Not as far as you knew?</p> <p>20 A. Not as far as I know.</p> <p>21 Q. Okay. And so the -- so I just want to make</p> <p>22 sure, from what you are aware of, it didn't appear as if</p> <p>23 the exterior of the shelter had been broken into?</p> <p>24 A. No, the exterior of the shelter never was</p>
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<p>1 did you -- how were you aware of that?</p> <p>2 A. Chastity told me.</p> <p>3 Q. Okay. And what equipment was taken?</p> <p>4 A. There were feed buckets, water buckets</p> <p>5 missing. Dog leads. Of course, if you have an animal</p> <p>6 shelter, you are going to lose dog leads, but when you</p> <p>7 lose seven and eight on a weekend, and, you know, you just</p> <p>8 can't keep buying dog leads. That went on for a period of</p> <p>9 time. Water buckets were put in on Friday, you would come</p> <p>10 back on Monday morning and they were gone. Feed pans were</p> <p>11 missing, and they would put some type of bedding or a mat</p> <p>12 down and they will come back and they will be gone.</p> <p>13 Q. Okay.</p> <p>14 A. You know, I didn't know who was doing it,</p> <p>15 and we -- you know, we tried to find out, we could not</p> <p>16 find out, and sometimes it would correct itself, but, you</p> <p>17 know, when you had things that would disappear, the door</p> <p>18 to the office was broke into.</p> <p>19 Q. How do you know that?</p> <p>20 A. Melvin Dalton came and told me. The office</p> <p>21 door was broken into. Papers were gone through. We were</p> <p>22 lucky, there were -- the drug that was used to euthanize</p> <p>23 the animals was in there. That didn't need to be</p> <p>24 disturbed, or if that would have gotten out on the</p>	<p>1 brought to my attention of being disturbed with the locks</p> <p>2 or the doors or anything. It was the office door inside.</p> <p>3 Q. Okay. Now, do you know around when this</p> <p>4 was?</p> <p>5 A. No.</p> <p>6 Q. Okay. All right. Did Ms. Perkins work on</p> <p>7 the weekends?</p> <p>8 A. She did.</p> <p>9 Q. Were you ever made aware of Ms. Perkins</p> <p>10 taking any items herself from the shelter improperly?</p> <p>11 A. No.</p> <p>12 Q. All right.</p> <p>13 A. I was -- it was brought to my attention by</p> <p>14 somebody that said that she was carrying dog food out, and</p> <p>15 I questioned her about it and she said yes, and she said,</p> <p>16 we can't keep it there but so many days at a time, because</p> <p>17 she said that it gets worms in it, and what they used to</p> <p>18 do, they would go out behind the shelter and dump it over</p> <p>19 the bank, an embankment, but the bears found it, and the</p> <p>20 coons and the possums, they found out about it and they</p> <p>21 figured out that there was food there, so they would take</p> <p>22 it to a dumpster.</p> <p>23 Q. All right.</p> <p>24 A. All of our food is donated to us.</p>

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<p>1 Q. Okay. So during the course of time in</p> <p>2 which the sheriff's office was overseeing the shelter, is</p> <p>3 it your testimony that the shelter never took possession</p> <p>4 of money that was intended to be returned to new pet</p> <p>5 owners?</p> <p>6 A. We did.</p> <p>7 Q. Okay.</p> <p>8 A. At one time, when I first took over as</p> <p>9 sheriff and Melvin Dalton was doing his thing, you know,</p> <p>10 picking up animals, Chastity was doing her thing, if you</p> <p>11 wanted to come and adopt a pet, you would pay whatever the</p> <p>12 deposit was, and once you got your paperwork showing that</p> <p>13 the animal had been spayed or neutered, you would come</p> <p>14 back and they would give you your money back. We had an</p> <p>15 audit, and we didn't get written up for it, but the</p> <p>16 auditor said that can't go on, because you need to have a</p> <p>17 record of any transaction, and this is what you need to</p> <p>18 do, and told us that we needed to turn this over to the</p> <p>19 treasurer of the Giles County, and then once the procedure</p> <p>20 was complete on the dog or the cat, they could go back</p> <p>21 with their paperwork and the treasurer could reimburse the</p> <p>22 individual.</p> <p>23 Q. Okay.</p> <p>24 A. And that is the way that it's been done</p>	<p>1 Q. All right, were you ever made aware of any</p> <p>2 conditions in which the food was being kept under lock?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And how do you -- how were you made</p> <p>5 aware of that?</p> <p>6 A. Melvin told me about it.</p> <p>7 Q. What did he say?</p> <p>8 A. He told me that they put a lock on the feed</p> <p>9 room because they would feed the animals.</p> <p>10 Q. Who is "they"?</p> <p>11 A. Chastity or the volunteer, whoever the</p> <p>12 volunteer was, Marilyn Hollie or himself or Frank Gough or</p> <p>13 whoever was out there, and the volunteers would come in</p> <p>14 and feed them again.</p> <p>15 Q. Okay.</p> <p>16 A. They were feeding them too much.</p> <p>17 Q. Okay. Was there any other reason that Mr.</p> <p>18 Dalton gave you for why he put a lock on the door?</p> <p>19 A. No.</p> <p>20 Q. Do you recall anyone else -- not anyone</p> <p>21 else, but do you recall anyone ever complaining about that</p> <p>22 specific issue?</p> <p>23 A. No.</p> <p>24 Q. All right.</p>
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<p>1 since then.</p> <p>2 Q. Okay.</p> <p>3 A. I don't know when that was or -- but it was</p> <p>4 after 2008.</p> <p>5 Q. Okay. All right, and I'm going to read you</p> <p>6 just a part of a paragraph, part of a sentence, and I just</p> <p>7 want you to tell me if you agree or disagree with it,</p> <p>8 okay?</p> <p>9 A. Okay.</p> <p>10 Q. "In early 2013, Ms. Perkins and Mr. Dalton</p> <p>11 began storing animal food in a locked storage container,"</p> <p>12 and that would be at the shelter. Do you agree or</p> <p>13 disagree with that? "In early 2013, Ms. Perkins and Mr.</p> <p>14 Dalton began storing animal food in a locked storage</p> <p>15 container"?</p> <p>16 A. I don't --</p> <p>17 Q. You don't know?</p> <p>18 A. No, I don't know anything about that.</p> <p>19 Q. Okay. Do you know where the -- when Ms.</p> <p>20 Perkins was working there, do you know where she stored</p> <p>21 the food?</p> <p>22 A. It was in a room.</p> <p>23 Q. All right.</p> <p>24 A. I don't know exactly where it was at.</p>	<p>1 A. There could have been, but I don't recall.</p> <p>2 Q. Under your understanding, who had at that</p> <p>3 time the key or keys to be able to access the food room?</p> <p>4 A. It would have been probably Chastity and</p> <p>5 Melvin Dalton and possibly Marilyn Hollie.</p> <p>6 Q. Okay. Were you ever made aware that Ms.</p> <p>7 Perkins was driving to and from the shelter in a patrol</p> <p>8 vehicle?</p> <p>9 A. No.</p> <p>10 Q. Does the sheriff's department use vehicles</p> <p>11 as part of the duties of the sheriff's office, undertaking</p> <p>12 the duties of the sheriff's office?</p> <p>13 A. Yes.</p> <p>14 Q. And who owns those vehicles?</p> <p>15 A. The Board of Supervisors.</p> <p>16 Q. So the County?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And is it your understanding that</p> <p>19 the -- that it was provided for use by the sheriff's</p> <p>20 department, is that right, by the County?</p> <p>21 A. Yes, yes.</p> <p>22 Q. All right.</p> <p>23 A. We also let other County agents have our</p> <p>24 vehicles if they needed one.</p>

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1	Q. Okay. Are -- let's talk just briefly about	1	A. Yes, that's right.
2	vehicles. Are employees of the sheriff's office allocated	2	Q. What led you to that decision?
3	a specifically vehicle for their individual use, in other	3	A. Equipment walking off.
4	words, Lieutenant Dunn, this is your vehicle. Lieutenant	4	Q. Okay.
5	Gautier, this is your vehicle, or are vehicles shared?	5	A. Or equipment leaving the shelter and the
6	A. They are assigned vehicles. It is their	6	door being opened to the office.
7	responsibility. If someone needs a vehicle, I mean, I've	7	Q. Okay. So things you testified about
8	thrown them the keys to the vehicle that I drive and said,	8	earlier?
9	here, take this one, and they've done me the same way.	9	A. Yes.
10	Q. Are employees of the sheriff's office	10	Q. And anything -- in addition to what you
11	allowed to use these vehicles for personal use?	11	testified about earlier when I asked you about the
12	A. No.	12	problems and issues the shelter, was there anything else
13	Q. Doing so would be a violation of policy?	13	that led you to stop the volunteers?
14	A. It would be.	14	A. No.
15	Q. If Ms. Perkins was using a sheriff's office	15	Q. And how did you prevent the volunteers from
16	vehicle to drive to and from the shelter, would that be	16	accessing the shelter? How did you mandate this policy of
17	violation of policy?	17	no more volunteers?
18	A. I have seen Chastity Perkins driving that	18	A. We sent a letter and we changed the locks.
19	old blue Chevrolet truck that we had. She used to help	19	Q. Okay. And to whom did you send the letter?
20	her dad haul feed from Walmart to the shelter, but as far	20	A. I think that it was Giles Animal Rescue.
21	as Chastity Perkins driving a vehicle, I don't recall her	21	Q. Okay. Do you know who is in charge of that
22	ever driving one -- a vehicle that belonged to the Giles	22	organization?
23	County Board of Supervisors or the sheriff's office.	23	A. I think that it used to be -- it was either
24	Q. Would it be against the sheriff of Giles	24	Charlie Herbert or Christine Owens.
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1	County policy to have a civilian such as Chastity Perkins	1	Q. Okay.
2	operate a Giles County sheriff's vehicle?	2	A. Christine Link-Owens.
3	A. Probably not.	3	Q. Have you ever met her?
4	Q. Okay.	4	A. Yes.
5	A. Using it in the -- using it in that form.	5	Q. Have you ever had discussions with her
6	Q. When you say "in that form," you mean	6	about the animal shelter?
7	driving to the shelter?	7	A. Yes.
8	A. If she was going to the shelter, hauling	8	Q. And did you have any discussions with her
9	feed for the shelter for the County, I would say no.	9	about the animal shelter prior to preventing volunteers --
10	Q. Okay.	10	making the decision to prevent volunteers from accessing
11	A. If she was driving it to go and get her	11	the shelter?
12	groceries at Walmart or Kroger, yes, that would be a	12	A. I think that I probably did.
13	violation.	13	Q. And you had some conversations with her
14	Q. Okay. Ms. Perkins is not assigned a	14	after that?
15	sheriff's vehicle?	15	A. I might have; I don't know.
16	A. No, she is not.	16	Q. Has she ever expressed to you at any
17	Q. But her father is?	17	time -- well, let me strike that. Are you aware of anyone
18	A. Yes.	18	making complaints about the sheriff's office decision to
19	Q. All right.	19	prevent volunteers from accessing the shelter? Are you
20	A. And he always asked me if she could take	20	aware if anyone ever made any complaint to, say, the Board
21	that old blue Chevrolet truck and help to haul the	21	of Supervisors about your decision to prevent volunteers
22	feed.	22	access to the shelter?
23	Q. At some point, you decided that you didn't	23	A. Yes.
24	want any more volunteers at the shelter; is that right?	24	Q. And what are you aware of?

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<p>1           A.       I was asked by the Board, and, of course, I</p> <p>2 don't know if it was Scott or someone asked me, but they</p> <p>3 said, did you tell the volunteers that they could not come</p> <p>4 back to the shelter and I said, yes, I did, because</p> <p>5 equipment was leaving, you know, and what put the icing on</p> <p>6 the cake was when the office was broke into.</p> <p>7           Q.       Okay. So did you remove the key from</p> <p>8 dispatch?</p> <p>9           A.       I think I did.</p> <p>10          Q.       Okay.</p> <p>11          A.       And then we put another one back.</p> <p>12          Q.       Okay. So after you removed the volunteers</p> <p>13 from the shelter, as far as your knowledge is concerned,</p> <p>14 the only people that were providing services to the</p> <p>15 animals there were the animal control officers and</p> <p>16 Chastity Perkins?</p> <p>17          A.       Yes.</p> <p>18          Q.       Okay. Did you discuss your decision to</p> <p>19 prevent the volunteers from accessing the shelter at a</p> <p>20 Board meeting ever?</p> <p>21          A.       I don't know.</p> <p>22          Q.       Okay. Do you recall ever -- well, strike</p> <p>23 that.</p> <p>24          A.       Can we take a break?</p>	<p>1                    Okay, you don't -- you already testified</p> <p>2 that you don't really remember, and we'll talk about that</p> <p>3 later, but specifically G.A.R. highlighted the following,</p> <p>4 and these were Code Sections, I will represent to you,</p> <p>5 that were in the letter that we'll look at, but the things</p> <p>6 that are in these Code Sections are "Animals must be</p> <p>7 provided a solid resting surface off of the floor enabling</p> <p>8 the pet to be clean and dry. Reasonable effort must be</p> <p>9 made to determine whether each animal has a collar, tag,</p> <p>10 and reasonable effort must be made to identify and notify</p> <p>11 the owner. Shelters should be accessible to the public at</p> <p>12 reasonable hours during the week. There should be a</p> <p>13 designated and marked isolation area for incoming animals</p> <p>14 that are ill or suspected of being ill. Ill and suspected</p> <p>15 ill animals are confined separately in an area for a</p> <p>16 minimum of 48 hours before being placed in the main</p> <p>17 housing area," and then the shelter must operate such that</p> <p>18 lights are turned off at lights to provide regular cycles</p> <p>19 of either natural or artificial light uniformly diffuse</p> <p>20 throughout the facility."</p> <p>21                    Okay, so after having read that, and let me</p> <p>22 read this again and I will ask you if you agree or</p> <p>23 disagree, and then we'll talk all about it. "In May of</p> <p>24 2013, the Plaintiff approached the Sheriff to discuss</p>
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<p>1                   MR. STRELKA: Absolutely, off the Record.</p> <p>2                   (Discussion off the Record.)</p> <p>3                   (A recess was taken.)</p> <p>4 BY MR. STRELKA:</p> <p>5           Q.       All right, back on the Record, did you ever</p> <p>6 receive a letter from Giles Animal Rescue indicating that,</p> <p>7 from their point of view, that a number of laws were being</p> <p>8 broken with how the shelter was being managed?</p> <p>9           A.       I'm not sure.</p> <p>10          Q.       All right, we'll look at it later. Okay.</p> <p>11 I'm going to read you another paragraph and then ask you</p> <p>12 if you agree or disagree.</p> <p>13          A.       Okay.</p> <p>14          Q.       "In May of 2013, the Plaintiff," and that</p> <p>15 is Mr. Dunn --</p> <p>16          A.       Okay.</p> <p>17          Q.       -- approached the Sheriff to discuss these</p> <p>18 issues plaguing the shelter," and now hold on, let me say</p> <p>19 what these issues are, and I will just give you all of the</p> <p>20 information so it's fair. The previous paragraph says,</p> <p>21 "In May of 2013, the G.A.R.," Giles Animal Rescue "mailed</p> <p>22 a letter to the sheriff indicating that several laws had</p> <p>23 been broken regarding the treatment of animals at the</p> <p>24 shelter."</p>	<p>1 these issues plaguing the shelter;" do you agree with that</p> <p>2 statement, Paragraph 28?</p> <p>3           A.       I'm going to say disagree.</p> <p>4           Q.       Okay, why do you disagree with that?</p> <p>5           A.       Because I don't remember that.</p> <p>6           Q.       Do you recall a conversation with the</p> <p>7 Plaintiff in May of 2013 about the animal shelter?</p> <p>8           A.       I don't know if it was May, but we did</p> <p>9 discuss the animal shelter.</p> <p>10          Q.       And what do you recall that you discussed?</p> <p>11          A.       He was telling me that Chastity wasn't</p> <p>12 working the hours she was supposed to be working, and, you</p> <p>13 know, she was under a contract with the animal shelter,</p> <p>14 and we talked to -- I don't -- I don't know if it was the</p> <p>15 licensing lady, whoever does the inspections, and she said</p> <p>16 you have to have verification that someone was there</p> <p>17 within a 24-hour period. The animals could not be left</p> <p>18 longer than 24 hours, and we decided that we would put</p> <p>19 a -- try to get a camera so we can verify somebody being</p> <p>20 there, and they said, well, it would be cheaper to do a</p> <p>21 time clock, and I told them that would be fine.</p> <p>22          Q.       Okay, and when you -- and in your testimony</p> <p>23 just now, you said that they said it would be cheaper to</p> <p>24 do a time clock?</p>



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<p>1 A. That was Chris McKlarney and some of the 2 other Board members. I don't know if it was John Mills or 3 Jimmy McCroskey or somebody. 4 Q. Okay. 5 A. I'm sorry. 6 Q. And you also mentioned a contract regarding 7 Ms. Perkins. What do you know about that? 8 A. Well, I just know that Dave Hunt told me 9 that she was under contract, getting paid six hours a day, 10 seven days a week. 11 Q. Okay. Have you ever seen the contract? 12 A. No. 13 Q. All right. 14 A. I have not. It was a contract that was 15 agreed upon before I ever took office. 16 Q. Okay. 17 A. And it was going smooth and I didn't -- I 18 didn't do anything about it or ask to see anything. 19 Q. Okay. 20 A. Regarding the shelter. 21 Q. All right, and let me read you this 22 paragraph and see if you agree or disagree, and don't 23 worry; this one is much smaller than all of that stuff I 24 just read. Paragraph 29, "During this discussion," and</p>	<p>1 shelter and comply with all pertinent laws." Do you agree 2 or disagree? 3 A. I disagree. 4 Q. Why is that? 5 A. I don't remember him telling me that I 6 needed to do anything at the shelter to comply with any 7 laws. The only time that I know that there was a problem 8 is when the state inspector came in and she said the 9 floors needed to be redone, and the walls and the cages, 10 you know, needed to have the housing welded and the locks 11 fixed and things like that. 12 Q. When you had this discussion with the 13 Plaintiff about the animal shelter, did you know how he 14 became aware of the issues at the animal shelter? 15 A. No. 16 Q. Okay. 17 A. I guess that he -- they did that in a Board 18 meeting. 19 Q. So you don't recall him saying that the 20 Board had been discussing this? 21 A. No. 22 Q. Okay. 23 A. He might have, and I just don't recall. 24 Q. Okay. Did you tell the Plaintiff in this</p>
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<p>1 we've referencing the May of 2013 which you don't remember 2 if it was May, but you recall talking to him? 3 A. Okay. 4 Q. "During this discussion, the Plaintiff 5 highlighted the numerous issues plaguing the shelter. The 6 Plaintiff indicated the sheriff was responsible for the 7 management of the shelter and that currently, it was not 8 being managed adequately." Let me stop there. Do you 9 agree with that statement; did he say something like that 10 to you? 11 A. I don't remember that. 12 Q. Let me go further. "The Plaintiff 13 indicated that the mismanagement of the shelter had 14 exposed the Board and County to legal action due to 15 illegality of the shelter's practices." Do you recall 16 that? 17 A. No. 18 Q. All right. Let me read further. "The 19 Plaintiff as a member of the Board directed the Sheriff to 20 improve the conditions of the shelter and comply with all 21 pertinent laws." Do you agree or disagree with that? 22 A. Do what now? 23 Q. "The Plaintiff as a member of the Board 24 directed the Sheriff to improve the conditions of the</p>	<p>1 discussion, and excuse my language, and this is regarding 2 the volunteers, "Fuck them, they are stealing food 3 anyway." Did you say that to him? 4 A. No. 5 Q. During the course of Mr. Dunn's employment 6 with the sheriff's office, did he exhibit any work 7 performance issues? 8 A. Yes. 9 Q. Okay. What were they? 10 A. Not getting tickets turned in on time that 11 come from the clerk on several cases. 12 Q. So tell me about that. What was he 13 supposed to do and what was he not doing? 14 A. When he would issue a summons out here on 15 the highway, you would have to turn your tickets in at the 16 office, the summons, and then the bailiffs would carry 17 them over the next morning to the General District clerk's 18 office, and that was a common practice. If you wrote the 19 ticket on Friday night, you didn't have to do it on 20 Saturday or Sunday, but as long as it was in the General 21 District Court basket, the bailiffs could come by and pick 22 them up and take them to the clerk's office, and the 23 purpose of that is, if an individual wanted to pay off 24 their fine earlier, they could, you know, do that, and the</p>

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<p>1 clerk would have the copy of the summons that was issued, 2 whether it be speeding or defective equipment, something 3 that could be paid off, and there was several times that 4 the clerk would call and say that, you know, it hasn't 5 been done, and, you know, we talked to him, everything 6 would be fine for a few days, and then it would go back 7 again.</p> <p>8 Q. Was Mr. Dunn ever give a written notice of 9 this performance deficiency?</p> <p>10 A. I'm thinking that he was.</p> <p>11 Q. Was there any other issues with Mr. Dunn's 12 work performance?</p> <p>13 A. My mind just went blank. I'm sorry.</p> <p>14 Q. Okay.</p> <p>15 A. He didn't like supervision.</p> <p>16 Q. Why do you say that?</p> <p>17 A. He didn't like people telling him to do 18 something, and, you know, you tell him you need to get 19 this done, I will get it done, I will get the assignment 20 completed, and he -- he had a hard time doing what was 21 supposed to be done on his part.</p> <p>22 Q. Okay. All right, let's go to the first 23 thing that you said. You said that he didn't like to be 24 supervised. Can you give me some examples of that?</p>	<p>1 Q. Time sheets?</p> <p>2 A. Yes.</p> <p>3 Q. Do you recall if Mr. Dunn ever received a 4 written notice of any of these work product deficiencies?</p> <p>5 A. Yes.</p> <p>6 Q. He did?</p> <p>7 A. I think that he did on the court summonses.</p> <p>8 Q. But as far as these other issues, the not 9 liking supervision and the time cards?</p> <p>10 A. No.</p> <p>11 Q. It wasn't written up?</p> <p>12 A. No.</p> <p>13 Q. Okay. Does the -- during the course of Mr. 14 Dunn's employment at the sheriff's office, did the 15 sheriff's office implement any written annual review, also 16 known as an annual work performance evaluation?</p> <p>17 A. We did that one or two times.</p> <p>18 Q. Okay.</p> <p>19 A. And I don't know how we did that, but we 20 got away from that.</p> <p>21 Q. Okay. So it wasn't done consistently year 22 to year?</p> <p>23 A. No.</p> <p>24 Q. Okay. Do you know if Mr. Dunn ever</p>
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<p>1 A. He didn't like people telling him what to 2 do.</p> <p>3 Q. How did you know what he did and didn't 4 like?</p> <p>5 A. Well, I would -- my chief deputy would tell 6 me, and he -- he would have issues sometimes with, you 7 know, getting your -- getting the tickets turned in on 8 time, time sheets. You know, you need to -- in order to 9 get paid, you have to have your time sheet turned in.</p> <p>10 Q. Can you give me any other examples of where 11 Mr. Dunn demonstrated that he didn't enjoy being 12 supervised?</p> <p>13 A. Not right now.</p> <p>14 Q. All right, the other thing that -- I'm 15 sorry, you said that he didn't like being supervised, and 16 what was the other thing that you said, his other work 17 performance issue?</p> <p>18 A. He was always late with his, you know, 19 paperwork.</p> <p>20 Q. And that was the summonses that you talked 21 about?</p> <p>22 A. Yes.</p> <p>23 Q. But was there other paperwork, too?</p> <p>24 A. Time sheets.</p>	<p>1 performed below expectations on any written work 2 performance evaluation?</p> <p>3 A. No.</p> <p>4 Q. All right.</p> <p>5 A. On evaluation?</p> <p>6 Q. Yes.</p> <p>7 A. No.</p> <p>8 Q. Okay. All right, I'm going to read you a 9 couple of sentences from the paragraph from the Complaint 10 and ask you if you agree or disagree. All right, 11 "Plaintiff became greatly concerned that Ms. Perkins was 12 not working the hours that she was being paid to work with 13 County funds. In July of 2013, the Plaintiff again met 14 with the Sheriff to discuss the issues plaguing the 15 shelter." Do you recall a meeting or a discussion with 16 the Plaintiff in July of 2013?</p> <p>17 A. It may have been; I remember a discussion 18 with him.</p> <p>19 Q. And was that an face to face discussion?</p> <p>20 A. It was, he was working.</p> <p>21 Q. And were you in your office?</p> <p>22 A. I think so.</p> <p>23 Q. Was there anyone else inside of the office 24 when you two had this discussion?</p>

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<p>1 A. I don't know.</p> <p>2 Q. Did anyone else join in on this discussion</p> <p>3 with you?</p> <p>4 A. I'm not sure.</p> <p>5 Q. Let me read you this and ask you if you</p> <p>6 agree or disagree. "During this meeting, the Sheriff</p> <p>7 acknowledged that he knew that Ms. Perkins was not working</p> <p>8 all of the hours for which she was being paid." Do you</p> <p>9 agree or disagree?</p> <p>10 A. I disagree.</p> <p>11 Q. Why is that?</p> <p>12 A. One of those times where I don't know about</p> <p>13 if I talked to Dave Hunt during that time to see what was</p> <p>14 going on --</p> <p>15 Q. Okay.</p> <p>16 A. -- with her, and to see how many hours she</p> <p>17 was working at the shelter.</p> <p>18 Q. All right.</p> <p>19 A. But then he made it clear that she was</p> <p>20 paid, you know, six hours a day, seven days a week.</p> <p>21 Q. All right.</p> <p>22 A. Whether she worked, you know, four to six</p> <p>23 or two to four.</p> <p>24 Q. Okay, and in July of 2013, was there a --</p>	<p>1 agree or disagree with that?</p> <p>2 A. I agree.</p> <p>3 Q. And what did you all talk about about that</p> <p>4 subject?</p> <p>5 A. We talked about David Fields.</p> <p>6 Q. Okay.</p> <p>7 A. And Mark Wilburn.</p> <p>8 Q. Okay. What did Mr. Dunn say?</p> <p>9 A. He said that their time sheets are not</p> <p>10 right.</p> <p>11 Q. All right.</p> <p>12 A. And I didn't find any discrepancy for David</p> <p>13 Fields. David Fields would come into work early and stay</p> <p>14 late. Mark Wilburn, I did find some discrepancies. He</p> <p>15 was doing work for the school and he wasn't marking his</p> <p>16 time sheet, and I told him he needed to start doing that,</p> <p>17 and that problem was taken care of.</p> <p>18 Q. Did -- during this discussion, did you and</p> <p>19 Mr. Dunn discuss the funds that were being allocated to</p> <p>20 the sheriff's office to manage the shelter at all? For</p> <p>21 instance, did you all discuss --</p> <p>22 A. We were just talking about time sheets.</p> <p>23 Q. Yes. In the paragraph that I read to you,</p> <p>24 it said that this talk about the -- talk about issues with</p>
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<p>1 when was the time clock put in place?</p> <p>2 A. I don't know that.</p> <p>3 Q. Okay.</p> <p>4 A. I don't know how to answer that, but I'm</p> <p>5 thinking that it -- I don't know when Jay Williams got on</p> <p>6 the Board. Was it at the same time that you did? Okay.</p> <p>7 Jay asked about a time clock, that way -- we could put a</p> <p>8 time clock at the shelter; that way she could mark in,</p> <p>9 mark on, and then when she left, she could mark off, and</p> <p>10 that way he could have some type of documentation of when</p> <p>11 the shelter was occupied.</p> <p>12 Q. Okay.</p> <p>13 A. That was because of the state inspector.</p> <p>14 Q. Okay.</p> <p>15 A. And I don't know if they ever put a camera</p> <p>16 out there or not.</p> <p>17 Q. Okay.</p> <p>18 A. But I think that they went the cheaper</p> <p>19 route.</p> <p>20 Q. Let me ask you if you agree or disagree</p> <p>21 with that. Paragraph 39, "During this meeting, the</p> <p>22 Plaintiff also indicated that he knew of other employees</p> <p>23 of the sheriff's department who had falsified their time</p> <p>24 cards." Did you ever have a discussion with -- do you</p>	<p>1 the shelter, Perkins' hours, and the time sheets of other</p> <p>2 officers, according to the Complaint, all occurred at one</p> <p>3 time?</p> <p>4 A. Okay.</p> <p>5 Q. Do you agree or disagree with that?</p> <p>6 A. I'm going to disagree because I don't</p> <p>7 remember that.</p> <p>8 Q. Okay, did you ever recall any discussion</p> <p>9 with Scott Dunn about the money that was going to the</p> <p>10 sheriff's office from the County to pay for the services</p> <p>11 of the County, for the employees and so forth?</p> <p>12 A. Yes.</p> <p>13 Q. Okay, and what do you recall about that</p> <p>14 discussion?</p> <p>15 A. I remember he said the County puts a lot of</p> <p>16 money into the shelter and animal control.</p> <p>17 Q. Okay. And what was your response?</p> <p>18 A. I don't remember.</p> <p>19 Q. Is that the only thing that you recall?</p> <p>20 A. I remember him saying that. I mean, that</p> <p>21 is a lot of questions. I'm trying to remember. I don't</p> <p>22 remember.</p> <p>23 Q. Do you recall the Plaintiff ever indicating</p> <p>24 to you that he was concerned with being implicated in</p>

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<p>1 criminal liability for how the sheriff's office was 2 operating?</p> <p>3 A. No.</p> <p>4 Q. Did you ever have a discussion with Scott 5 Dunn about whether or not an individual could file some 6 sort of whistle blower action because of what was going 7 on?</p> <p>8 A. No.</p> <p>9 Q. Did the Board ever ask you to return the 10 key to dispatch?</p> <p>11 A. I don't know if they did or not.</p> <p>12 Q. All right.</p> <p>13 A. I don't know. I remember we had a -- I was 14 talking to Chris McKlarney, the County administrator, and 15 I told him the last thing I wanted to do was keep good 16 help away from the shelter, because they are good people 17 out there, but one person can ruin it for everybody. 18 Anything that I do is not set in stone if I did return the 19 key back to dispatch, and whether or not it was there or 20 not, it did go back, and I told my people, you know, you 21 are going to have to get along with people.</p> <p>22 Q. Who did you tell that to?</p> <p>23 A. I told Chastity that; I told Marilyn 24 Hollie, and I told Frank Gough and I told -- I don't know</p>	<p>1 told them, you know, they asked us -- they asked me, do 2 you want us to take it over, and I said, sure, you know, 3 and I didn't want to be part of that.</p> <p>4 Q. Who -- who asked you --</p> <p>5 A. I'm thinking that -- I'm thinking that it 6 was Chris McKlarney. I'm not sure, but I did ask them, 7 you know, if they would take it back.</p> <p>8 Q. All right.</p> <p>9 A. And they did take it back.</p> <p>10 Q. I want to make sure that I understand 11 this. I want to know who asked who first. Let me get it 12 on the Record. Did you ask for the County to take over 13 the shelter or did the County ask you for them to -- do 14 you want us to take over the shelter; in other words, who 15 instigated this idea?</p> <p>16 A. I don't know who asked first.</p> <p>17 Q. Okay.</p> <p>18 A. I don't remember who asked first, and I 19 think that I was asked; I said -- I was asked, do you want 20 us to take it over, I'm thinking but I'm not positive, but 21 I said, let me think about it, and then Pulaski County had 22 an issue and I thought, well, I didn't want to be part of 23 that.</p> <p>24 Q. I'm trying to remember what was going on in</p>
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<p>1 if was Melvin or -- Melvin Dalton or if it was Jeff 2 Spicer.</p> <p>3 Q. Okay.</p> <p>4 A. But I told them, we have good people out 5 here that want to help and I am not against allowing 6 somebody to help that really wants to help. If somebody 7 wants to help, they are going to make it work.</p> <p>8 Q. Did you ever appear at a Board meeting to 9 specifically address the issues regarding the volunteers 10 at the shelter?</p> <p>11 A. No, not that I know of.</p> <p>12 Q. Other than your conversation with Mr. 13 McKlarney, did you ever have any other conversations with 14 any other Board members regarding the animal shelter and 15 the volunteers?</p> <p>16 A. I could have, but I don't know. I didn't 17 go before the Board in a Board meeting and do that, just 18 for that.</p> <p>19 Q. Do you recall when it was that the County 20 took over the management of the shelter?</p> <p>21 A. No, I don't.</p> <p>22 Q. What reason were you provided for that 23 action by the Board?</p> <p>24 A. There was a big lawsuit in Pulaski and I</p>	<p>1 Pulaski; do you recall?</p> <p>2 A. No, I don't.</p> <p>3 Q. But there was some lawsuit involving an 4 animal shelter?</p> <p>5 A. Yes, there was. It may have been Radford; 6 I don't know.</p> <p>7 Q. Okay. And so were you concerned about 8 liability?</p> <p>9 A. Yes.</p> <p>10 Q. Why were you concerned about liability?</p> <p>11 A. Because all it takes is one person to cause 12 you some problems.</p> <p>13 Q. Okay.</p> <p>14 A. And I have too much to worry about.</p> <p>15 Q. Okay.</p> <p>16 A. And somebody else, you know, has the time 17 and the dedication and they want to dedicate it to that 18 specific purpose.</p> <p>19 Q. Earlier you mentioned the state 20 investigator, and I believe that we were talking about the 21 Department of Agriculture investigator?</p> <p>22 A. I'm thinking; I think that is who it was.</p> <p>23 Q. Are you aware of whether or not someone 24 filed a claim or -- not a claim but a complaint with the</p>

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<p>1 Virginia Department of Agriculture because of what was 2 going on at the shelter?</p> <p>3 A. I don't know.</p> <p>4 Q. All right.</p> <p>5 A. I'm not aware of that.</p> <p>6 Q. Did you ever have any discussions with 7 anyone who was investigating for the State of Virginia 8 what was going on at the animal shelter?</p> <p>9 A. No. We had a meeting set up at the animal 10 shelter one day.</p> <p>11 Q. Okay.</p> <p>12 A. And I did not get to attend that meeting. 13 We had something else going on.</p> <p>14 Q. What was going on?</p> <p>15 A. We had a call in Pembroke; an individual 16 got caught having sex with a dog.</p> <p>17 Q. Okay. And you had to personally appear at 18 that?</p> <p>19 A. I did.</p> <p>20 Q. Was no one else available?</p> <p>21 A. It was my dog.</p> <p>22 MR. STRELKA: Okay. Off the Record for a 23 second.</p> <p>24 (Off the Record.)</p>	<p>1 Q. Okay.</p> <p>2 A. I think that I went through Chris 3 McKlarney.</p> <p>4 Q. Okay, and we'll just leave the last 5 question, did you ever write her a letter?</p> <p>6 A. No, not that I know of.</p> <p>7 Q. Okay. All right, if -- at the sheriff's 8 office, if there is equipment that you wish to surplus, 9 what does that mean to you? What is the definition of 10 surplus in that statement?</p> <p>11 A. It means get rid of it.</p> <p>12 Q. Okay, and where does it go?</p> <p>13 A. Wherever -- if I have it, I take to the 14 County garage and take the tags off of it.</p> <p>15 Q. Okay, are you talking about like an 16 automobile?</p> <p>17 A. An automobile.</p> <p>18 Q. Okay, and who takes it from there, the 19 County?</p> <p>20 A. I think so.</p> <p>21 Q. Okay. But you can surplus other things 22 other than a car, right?</p> <p>23 A. Do what?</p> <p>24 Q. You can -- the term "surplus" is used a lot</p>
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<p>1 BY MR. STRELKA:</p> <p>2 Q. Back on the Record, all right, was that 3 meeting that you had attended, do you know if that was on 4 or around August of 2013?</p> <p>5 A. I'm thinking that it was.</p> <p>6 Q. Okay.</p> <p>7 A. Chris McKlarney attended.</p> <p>8 Q. Okay.</p> <p>9 A. And I didn't get to attend.</p> <p>10 Q. And Ms. Perkins attended; is that right?</p> <p>11 A. I don't know.</p> <p>12 Q. Do you know if Mr. Dalton attended?</p> <p>13 A. He might have.</p> <p>14 Q. Okay, and do you know if the investigator 15 for the Department of Agriculture attended?</p> <p>16 A. I think that she was there. I think that 17 it was a female.</p> <p>18 Q. Yes, she was, but you never ultimately met 19 up with her?</p> <p>20 A. I didn't.</p> <p>21 Q. Did you ever speak with her over the phone?</p> <p>22 A. I don't know if I did or not.</p> <p>23 Q. Did you ever exchange emails with her?</p> <p>24 A. I'm not sure if I had any contact with her.</p>	<p>1 by, for instance, Mr. Dunn. He says it all the time and 2 I've read it in Board meetings and minutes and so forth, 3 and I just want to know what your understanding of that 4 word is.</p> <p>5 A. Get rid of.</p> <p>6 Q. Okay, and are there any policies about how 7 you are to surplus an item?</p> <p>8 A. No.</p> <p>9 Q. So you may dispose of any sheriff's office 10 property as you see fit?</p> <p>11 A. If -- if the County, you know, we always 12 let the County have it, so no, I don't get rid of anything 13 myself.</p> <p>14 Q. Okay.</p> <p>15 A. I always let them --</p> <p>16 Q. So your policy is to present it to the 17 County?</p> <p>18 A. Yes, it is just an unwritten policy, and I 19 will give it to them and let them do with it what they see 20 fit.</p> <p>21 Q. Have you ever given a vehicle to another 22 law enforcement agency?</p> <p>23 A. Me, no.</p> <p>24 Q. Okay, but the County has?</p>

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<p>1 A. The County has.</p> <p>2 Q. Okay. And I'm going to read you this</p> <p>3 paragraph, and you let me know if you agree or disagree.</p> <p>4 A. Okay.</p> <p>5 Q. "In August of 2013, the Chief of the</p> <p>6 Pembroke Police Department, Douglas Sadler, called the</p> <p>7 Sheriff to inquire about the possibility of receiving a</p> <p>8 surplus law enforcement vehicle from the sheriff's</p> <p>9 office. Did that ever occur; do you agree or disagree?</p> <p>10 A. I think that he did. Different ones call</p> <p>11 every year. I'm sure that he did, pretty sure.</p> <p>12 Q. Did you tell him that you had a vehicle?</p> <p>13 A. I told him we probably did. We had four or</p> <p>14 five at the time.</p> <p>15 Q. Okay. And did -- did you all discuss the</p> <p>16 surplus of multiple vehicles to the Pembroke Police</p> <p>17 Department or just one?</p> <p>18 A. I'm thinking that he asked for one and his</p> <p>19 mayor called me and asked for an additional vehicle.</p> <p>20 Q. Okay. And that might have happened at a</p> <p>21 later time?</p> <p>22 A. It might have, yes.</p> <p>23 Q. Okay.</p> <p>24 A. I think that it was Poteet who was the</p>	<p>1 Q. Okay. And do you know if he ever met with</p> <p>2 him and the bookkeeper of the Town of Pembroke to inspect</p> <p>3 one of the vehicles?</p> <p>4 A. No.</p> <p>5 Q. Did you ever get upset about how Mr. Dunn</p> <p>6 was working or not working regarding these vehicles? I</p> <p>7 mean, was there ever any issue regarding these vehicles</p> <p>8 and Mr. Dunn in your eyes?</p> <p>9 A. Yes.</p> <p>10 Q. What was that?</p> <p>11 A. I got a call from one of the field deputies</p> <p>12 saying that they are taking the stripes off of a vehicle</p> <p>13 that we were using on patrol.</p> <p>14 Q. All right.</p> <p>15 A. And myself and Mike Falls went to the</p> <p>16 school bus garage and they had taken the stripes off of a</p> <p>17 vehicle, and we just put a new transmission in and four</p> <p>18 new tires on.</p> <p>19 Q. All right.</p> <p>20 A. And I did get mad.</p> <p>21 Q. So was that not the vehicle that you</p> <p>22 intended to surplus?</p> <p>23 A. No.</p> <p>24 Q. It was -- so that vehicle was a completely</p>
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<p>1 mayor then.</p> <p>2 Q. Okay. And so after that conversation with</p> <p>3 Mr. Sadler, what did you do regarding these vehicles?</p> <p>4 A. I didn't do anything.</p> <p>5 Q. Did you ever surplus -- did you ever give</p> <p>6 them back to the County; did you ever present them to the</p> <p>7 County?</p> <p>8 A. I think we talked to the County and told</p> <p>9 them that I had a couple of other vehicles I wanted to</p> <p>10 surplus.</p> <p>11 Q. Okay.</p> <p>12 A. And I -- I think that I sent an email to</p> <p>13 Chris McKlarney telling him which one I wanted to get rid</p> <p>14 of, plus he had some additional vehicles down at the</p> <p>15 school bus garage.</p> <p>16 Q. Okay.</p> <p>17 A. The County garage.</p> <p>18 Q. Okay. So who on the Board did you have a</p> <p>19 discussion with?</p> <p>20 A. That is Chris McKlarney, County</p> <p>21 administrator.</p> <p>22 Q. Okay. Do you know if Scott Dunn ever met</p> <p>23 with Chief Sadler about this, about these vehicles?</p> <p>24 A. I'm sure he probably did.</p>	<p>1 separate vehicle from the ones that you had discussed with</p> <p>2 Sadler and the Board?</p> <p>3 A. No, I -- I told Doug Sadler that they can</p> <p>4 have whatever they have. He had to work it out with the</p> <p>5 County. Once I got rid of them, that was out of my</p> <p>6 control.</p> <p>7 Q. Okay.</p> <p>8 A. I mean, I could care less, but it was not</p> <p>9 the ones that I sent, the VIN numbers to the County</p> <p>10 administrator's office.</p> <p>11 Q. Okay.</p> <p>12 A. And I sent it by email.</p> <p>13 Q. Okay.</p> <p>14 A. I sent it to Chris McKlarney.</p> <p>15 Q. Okay. Did you ever raise your voice at</p> <p>16 Scott Dunn about this issue?</p> <p>17 A. I did.</p> <p>18 Q. Did you ever use profanity?</p> <p>19 A. I did.</p> <p>20 Q. I will read you this additional paragraph.</p> <p>21 "In December of 2013, the Department of Agriculture</p> <p>22 issued a report which cited a number of deficiencies then</p> <p>23 present at the shelter." Do you agree or disagree?</p> <p>24 A. I agree.</p>

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1	Q. Did you ever read that report?	1	Q. That they have individualized user names
2	A. I did.	2	and passwords to log into the CAD system?
3	Q. Did you agree with it?	3	A. Yes.
4	A. I did.	4	Q. Okay. Do -- as the sheriff, do you have
5	Q. Let me read you this paragraph. "The Board	5	the ability to amend what has previously been entered in a
6	demand the Sheriff terminate the employment of Ms.	6	CAD entry?
7	Perkins but the Sheriff refused to fire her." Let's start	7	A. Yes.
8	with the first half of that sentence. Did the Board ever	8	Q. And how do you do that? If you were going
9	demand you to terminate Ms. Perkins?	9	to do that, how do you do that, amend a CAD entry?
10	A. No.	10	A. If it was inappropriate, yes. Anything
11	Q. Okay. Did they ever ask you to?	11	else, I would not.
12	A. No.	12	Q. I'm not asking why, okay; I'm asking
13	Q. All right. Did anyone ever ask you to and	13	physically how you do it.
14	you refused to fire her; you said that you will not fire	14	A. I would contact the Dapro system.
15	her?	15	Q. Okay.
16	A. No.	16	A. And -- or have one of my employees to do
17	Q. All right. If I said the word "CAD" to	17	that.
18	you, what do you understand that to mean?	18	Q. Okay.
19	A. Computer Aided Dispatch.	19	A. And get instructions on how to amend or
20	Q. And what is that?	20	edit an entry onto the system.
21	A. That is a computer program that our	21	Q. Okay, and have you ever done that before?
22	dispatchers use to log down each and every call that comes	22	A. I did.
23	into the Sheriff's office that has action to it. If --	23	Q. And how did you go about doing that?
24	and every time that there is something brought up on the	24	A. I had Mark Skidmore, he was a retired
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1	CAD system, it's locked in there, into the hard drive.	1	investigator that worked for me, he was over my CAD
2	Q. Okay. And if an officer is on, let's say	2	system.
3	dispatch indicates to an officer of the sheriff's office	3	Q. Okay.
4	that he's needed, at what point does that officer utilize	4	A. Or the system at the sheriff's office, and
5	the CAD system? In other words, what do they -- in the	5	I told him I wanted a couple of lines deleted from the CAD
6	course of his duties, when is a deputy going to utilize	6	system.
7	the CAD system?	7	Q. Okay, and he was working at Dapro at this
8	A. The deputy has to utilize the CAD system	8	time?
9	when they do their reports.	9	A. No, no.
10	Q. Okay. And is everyone -- does everyone	10	Q. Okay.
11	have access to the CAD?	11	A. He wasn't working at Dapro; he was working
12	A. They do.	12	for the sheriff's office.
13	Q. And by "everyone" I mean all of the	13	Q. Okay.
14	deputies?	14	A. And he contacted the Dapro representative
15	A. All of the sheriff's office employees, yes.	15	and they told him how to remove that comment from the CAD
16	Q. Okay.	16	system.
17	A. And dispatchers.	17	MR. STRELKA: Okay. I will note for the
18	Q. Okay, and do I have it right that these	18	Record that there is no "Y" in Dapro; it's
19	employees that I mentioned have individualized user names	19	D-A-P-R-O.
20	and passwords to log in?	20	BY MR. STRELKA:
21	A. Yes.	21	Q. So they gave him instructions on how to do
22	Q. I'm sorry, just wait until I get it on the	22	it; is that what you are saying?
23	Record.	23	A. Yes.
24	A. I'm sorry.	24	Q. And did he ever share those instructions

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1	with you?	1	because he had a fantasy football meeting.
2	A. No.	2	Q. And why was that comment inappropriate?
3	Q. Okay. But he did it at your direction?	3	A. Because that was a derogatory comment from
4	A. He did.	4	an individual that was upset.
5	Q. So you specifically told him what to	5	Q. Was that Mr. Dunn --
6	change?	6	A. It was.
7	A. I told him and Captain Joe Shanks.	7	Q. -- who entered that information?
8	Q. Okay.	8	A. He did.
9	A. I said, take that out of there, if you	9	Q. And did you ever have a personal discussion
10	can.	10	with Mr. Dunn about that information?
11	Q. Okay.	11	A. I did.
12	A. And they contacted the Dapro system.	12	Q. And can you tell me what he said?
13	Q. Okay.	13	A. He said that is just the way that it was;
14	A. The coordinator, and he told them what to	14	that is what happened, and that is -- you know, that is
15	do.	15	inappropriate.
16	Q. Are -- is the information that an officer	16	Q. All right.
17	inputs into the CAD system, is that ever used in the	17	A. You don't know where these CAD cards are
18	course of the prosecution of any case, any charge?	18	going to end up, ever.
19	A. The CAD system, it could be, yes.	19	Q. Were you concerned about how this comment
20	Q. And the information, you said it's like	20	might affect the image of the sheriff's office?
21	stored in a hard drive. Is that physically at the	21	A. Exactly.
22	sheriff's office?	22	Q. And have you ever made any other deletions
23	A. It is on the server.	23	to a CAD system other than this before?
24	Q. It is on the server?	24	A. No.
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1	A. Yes. I'm pretty sure -- I don't know if it	1	Q. All right.
2	is at dispatch or the server is at the sheriff's office.	2	A. Now, as far as a report, going in and
3	Q. I will represent to you that I filed a	3	saying, hey, you put this sentence in here twice, you
4	subpoena to Dapro early on in this case to get electronic	4	know.
5	information based on the CAD. I wanted their files; I	5	Q. Sure.
6	wanted this information, and they informed me that they	6	A. You know, but as far as a CAD card, no.
7	didn't possess any of it, that -- hold on one second.	7	Q. All right.
8	A. Yes.	8	A. And I got Bobby Lilly, the Commonwealth's
9	Q. That that information is possessed by the	9	attorney's permission to remove that from the CAD system,
10	sheriff's office; would you agree or disagree with that?	10	and he said that it has no bearing on the evidence
11	A. I agree.	11	whatsoever.
12	Q. Okay, and it is on a server?	12	Q. Okay. The individual that Mr. Dunn
13	A. Yes, and I don't know if there is a server	13	indicated was at a fantasy football event, do you know why
14	in dispatch -- see, dispatch is a block and a-half away	14	Mr. Dunn needed that individual at the time?
15	from the sheriff's office. I don't know if it is on a	15	A. He said that he found some extra evidence
16	server at the sheriff's office or if there is a server in	16	at that location.
17	dispatch.	17	Q. Okay.
18	Q. Okay. The dispatch, though, is part --	18	A. And I had an investigator that was there
19	A. It is part of sheriff's office.	19	earlier that day to completely photograph and process
20	Q. Okay. And why were you making deletions to	20	everything, and he had already been there; he had done
21	the CAD system that we were just talking about?	21	everything. He said that if -- he said that he found a
22	A. There was an inappropriate comment.	22	set of tire tracks, and, well, they had already talked to
23	Q. And what was that comment?	23	the owner of the business, but there was no -- there was
24	A. It was an investigator could not respond	24	no photographs or anything or any proof that there was any



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<p>1 other evidence that was there.</p> <p>2 Q. Did Mr. Dunn ever talk to you about a</p> <p>3 footprint that he desired to have a -- I think that it is</p> <p>4 called a static lift of to preserve for evidence?</p> <p>5 A. Was that the one on the door?</p> <p>6 Q. I'm just asking you, do you ever recall</p> <p>7 that?</p> <p>8 A. Yes.</p> <p>9 Q. And do you ever recall Mr. Dunn indicating</p> <p>10 to you the presence of a second set of tire tracks behind</p> <p>11 the store that the owner indicated were not his?</p> <p>12 A. No.</p> <p>13 Q. Did you ever have a discussion with Mr.</p> <p>14 Dunn about -- in which he told you that he had a</p> <p>15 discussion with the owner about the evidence at the scene?</p> <p>16 A. I don't remember the second set of tracks.</p> <p>17 Q. Okay. Did -- do you know if it rained that</p> <p>18 evening?</p> <p>19 A. No.</p> <p>20 Q. All right.</p> <p>21 A. I don't; I can't remember that.</p> <p>22 Q. Okay. All right, I will read you this,</p> <p>23 part of this paragraph, and ask you if you agree or</p> <p>24 disagree. "On or around September 23, 2013, a work order</p>	<p>1 have any reason to be in the chief deputy's office, but I</p> <p>2 don't remember the exact date.</p> <p>3 Q. Okay. So at some point, Mr. Dunn was</p> <p>4 demoted?</p> <p>5 A. He was.</p> <p>6 Q. Why was he demoted?</p> <p>7 A. For -- there was -- the CAD call, there was</p> <p>8 the CAD call, putting the derogatory comment on the CAD</p> <p>9 system. There was an investigation of a larceny of a</p> <p>10 firearm by a convicted felon, and he got a confession out</p> <p>11 of him and he never placed a charge, and there was another</p> <p>12 breaking and entering of a residence; I believe that it</p> <p>13 was in the Wolf Creek area, and he had people running</p> <p>14 everywhere, and I had two investigators that were going to</p> <p>15 Alleghany County and they told me that they needed a</p> <p>16 report done.</p> <p>17 I told Scott to write a report, and -- and</p> <p>18 he, in his narrative was "secured scene until</p> <p>19 investigators arrived," and -- and there was a domestic</p> <p>20 call which he responded to. It took care of itself, which</p> <p>21 a lot of them do, and it flared up again, the dispatcher,</p> <p>22 T.J. Adkins, gave him a call to return to the location a</p> <p>23 little while later; it may have been an hour or a couple</p> <p>24 of hours, and his response was, I don't work the road,</p>
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<p>1 was created indicating that the Sheriff intended to change</p> <p>2 the locks on the investigator's office at the sheriff's</p> <p>3 department." Do you agree or disagree with that?</p> <p>4 A. Okay.</p> <p>5 Q. You agree?</p> <p>6 A. Okay, I will agree with it.</p> <p>7 Q. Okay, let me read this. "However, the only</p> <p>8 lock the Sheriff changed was a lock to the Plaintiff's</p> <p>9 office." Do you agree or disagree with that?</p> <p>10 A. I didn't change that.</p> <p>11 Q. Okay, was the lock changed?</p> <p>12 A. It was.</p> <p>13 Q. By whose direction?</p> <p>14 A. Mike Falls.</p> <p>15 Q. And you didn't tell Mike Falls to change</p> <p>16 it?</p> <p>17 A. No.</p> <p>18 Q. He just made that decision?</p> <p>19 A. He made that decision.</p> <p>20 Q. Do you know why he made that decision?</p> <p>21 A. He made that decision because the Plaintiff</p> <p>22 was no longer a lieutenant.</p> <p>23 Q. Okay.</p> <p>24 A. And -- and he -- and he -- and he didn't</p>	<p>1 give that to a deputy, and he was a deputy sheriff just</p> <p>2 like anybody else. I mean, I answer calls, I make</p> <p>3 arrests, and everybody else does.</p> <p>4 Q. Okay. Did Mr. Dunn ever discuss with you</p> <p>5 how he was upset about the revision to the CAD entry?</p> <p>6 A. No.</p> <p>7 Q. He never -- did you ever have a discussion</p> <p>8 with him about it, a conversation?</p> <p>9 A. I don't know if I did or not, but I know</p> <p>10 what was put on the CAD system from his computer.</p> <p>11 Q. Okay.</p> <p>12 A. And that was unacceptable.</p> <p>13 Q. All right, and so the decision to put the</p> <p>14 lock by Major -- I think you said Major Falls?</p> <p>15 A. Yes, Mike Falls.</p> <p>16 Q. Mike Falls, okay, the decision to place the</p> <p>17 lock on that door that we just talked about by Mike Falls</p> <p>18 was made because Mr. Dunn had been demoted?</p> <p>19 A. Yes, this was after his demotion.</p> <p>20 Q. Okay. And do you recall your conversation</p> <p>21 with Mr. Dunn when you demoted him; you gave him the</p> <p>22 demotion or let him know that he was going to be demoted?</p> <p>23 A. Yes.</p> <p>24 Q. Do you recall what you said?</p>

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<p>1           A.     I told him I wanted the old Scott Dunn 2 back. 3           Q.     Okay. And in your mind, who was the old 4 Scott Dunn? 5           A.     Someone who wanted to get out here and 6 answer calls and do his work. 7           Q.     Do you recall saying to him that "everyone 8 in this department hates your F'ing guts"? 9           A.     No. 10          Q.     All right. 11          A.     I don't recall that. Can we take a break 12 for a second? 13          Q.     Sure. 14                 THE WITNESS: I will be right back, excuse 15 me. 16                 (A recess was taken.) 17 BY MR. STRELKA: 18          Q.     All right, back on the Record, my records 19 indicate, Sheriff, that Mr. Dunn was terminated on or 20 around October 21, 2013 from the sheriff's office; does 21 that sound right to you? 22          A.     Yes. 23          Q.     Now, I've got a bunch of documents here, 24 but a number of these we're going to look at just</p>	<p>1 policy manual is there when they log in. It's on the -- 2 there is an icon for it. 3           Q.     All right. 4           A.     It's electronic. 5           Q.     Okay. Did -- after the -- after this issue 6 with Ms. Perkins and the animal shelter arose, did anyone 7 ask you to see the invoices that Greenbrier had been 8 sending you? 9           A.     No. 10          Q.     No one from the Board asked? 11          A.     No. 12          Q.     And did Mr. Dunn ever ask? 13          A.     I don't know if -- I don't think that he 14 did. 15          Q.     Do you recall him ever sending a Freedom of 16 Information Act request to the sheriff's office after he 17 had been terminated? 18          A.     Yes. 19          Q.     Do you recall what he was looking for? 20          A.     I don't remember. 21          Q.     Okay. Would you consider yourself to be 22 friends with Melvin Dalton or just professional 23 colleagues? 24          A.     We're friends.</p>
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<p>1 briefly. 2           A.     Okay. 3           Q.     I have an outline, and given that we've 4 already asked -- I've already asked you a number of 5 questions and you've given me a bunch of answers, I will 6 probably be skipping chunks of this outline with these 7 documents and moving past them, so for everyone's sake, if 8 I'm sitting here looking at my computer in space, we're 9 moving head, actually; I'm cutting stuff, just to let 10 everyone know. Is there a policy and procedure manual for 11 the sheriff's department? 12          A.     Yes. 13          Q.     And has it been distributed to every 14 employee of the sheriff's office? 15          A.     It is on line. 16          Q.     It is on line? 17          A.     Yes. 18          Q.     Where is it on line? 19          A.     In the website for each individual. 20          Q.     And what does that mean? 21          A.     Each individual has their own email 22 account. 23          Q.     Okay. 24          A.     They can pull it up on the computer and the</p>	<p>1           Q.     Okay. 2           A.     And professional colleagues. 3           Q.     Okay, but it is your testimony that Ms. 4 Perkins was hired by the sheriff's office before you took 5 the sheriff's job? 6           A.     Yes. 7           Q.     Of course, you would have the authority as 8 the sheriff to discontinue her employment at any time 9 because she was under your supervision; is that right? 10          A.     I guess probably I could. 11          Q.     All right. 12          A.     Even know she worked for -- I could have 13 Mr. Hunt to replace her. 14          Q.     All right, here is your copy, and I would 15 like this to be an Exhibit. Where did we end up last 16 time? I will tell you in two seconds. I want to keep 17 continuous Exhibits throughout all of the depositions, you 18 understand, sequentially, so we don't have seven Exhibit 19 Number 1's. 20                 MR. GUYNN: Well, it will be marked as 21 Millirons Deposition Exhibits. 22                 MR. STRELKA: I request that we do it in 23 all of my cases. Everyone has been nice enough to 24 do that with me.</p>

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<p>1 (Discussion off the Record.)</p> <p>2</p> <p>3 (The document was marked as Deposition</p> <p>4 Exhibit Number 6 and entered into the Deposition.)</p> <p>5</p> <p>6 BY MR. STRELKA:</p> <p>7 Q. All right, this will be Exhibit Number 6.</p> <p>8 Have you ever seen the minutes of a Board meeting at Giles</p> <p>9 County before?</p> <p>10 A. No.</p> <p>11 Q. All right. I'd like to direct you to the</p> <p>12 second page of this document. I'd like you to look at the</p> <p>13 second paragraph. I'd like you to read that and tell me</p> <p>14 when you are finished. Have you read that second</p> <p>15 paragraph?</p> <p>16 A. I have.</p> <p>17 Q. Okay. Do you recall -- the date of this</p> <p>18 document is October 2, 2013. Do you recall appearing at a</p> <p>19 Board meeting on October 2, 2013 and discussing the issues</p> <p>20 as indicated in this paragraph?</p> <p>21 A. I do.</p> <p>22 Q. Okay. And do you recall if Mr. Dunn was</p> <p>23 present on the Board at the time? It doesn't say in</p> <p>24 here.</p>	<p>1 morning and, you know, they wanted them to be available</p> <p>2 for everyone.</p> <p>3 Q. Okay.</p> <p>4 MR. GUYNN: So what Exhibit Number did we</p> <p>5 decide on?</p> <p>6 MR. STRELKA: That was 6.</p> <p>7 (Discussion off the Record.)</p> <p>8 BY MR. STRELKA:</p> <p>9 Q. That will be the procedure. He gets a copy</p> <p>10 but I hand a document to her, she hands the official one</p> <p>11 to you, you look at it, I ask you questions, and we're</p> <p>12 done and you stick it there.</p> <p>13 A. Okay.</p> <p>14 Q. All right, do you recall a time when a new</p> <p>15 sheriff's office was being constructed?</p> <p>16 A. I remember when it was being talked about.</p> <p>17 Q. Okay. Did the -- so it was being discussed</p> <p>18 by the County whether or not they were actually going to</p> <p>19 do the construction?</p> <p>20 A. I hope it's going to be done.</p> <p>21 Q. You hope it's going to be done, okay, and</p> <p>22 was there -- let me read you this sentence and you tell me</p> <p>23 if you agree with me or not. "The County paid roughly</p> <p>24 \$25,000 in preliminary work on this new sheriff's office</p>
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<p>1 A. Well, he would have been during that time.</p> <p>2 Q. Okay. And appearing at the Board to</p> <p>3 discuss these issues, did that upset you?</p> <p>4 A. No.</p> <p>5 Q. It says here "Ms. Hobbs suggested that</p> <p>6 rules and regulations be put in place for volunteers to</p> <p>7 follow and ensure that they were followed;" were they?</p> <p>8 A. I think they were.</p> <p>9 Q. But you don't know for sure?</p> <p>10 A. It wasn't long after that that the County</p> <p>11 took them back over.</p> <p>12 Q. Okay. How long after? I know you said</p> <p>13 that you could not remember, but are we talking six</p> <p>14 months, three months?</p> <p>15 A. Maybe three or four months. I'm not really</p> <p>16 sure.</p> <p>17 Q. Okay.</p> <p>18 A. But I remember when they told them they</p> <p>19 wanted them, in the morning and in the evening.</p> <p>20 Q. Okay.</p> <p>21 A. I do remember that.</p> <p>22 Q. All right.</p> <p>23 A. They wanted it to be occupied because the</p> <p>24 people working the evening shift did not get there in the</p>	<p>1 and then the Sheriff changed his mind, creating a loss."</p> <p>2 Did that occur?</p> <p>3 A. Do what?</p> <p>4 Q. "The County paid roughly \$25,000 in</p> <p>5 preliminary work on the new sheriff's office and then the</p> <p>6 Sheriff changed his mind."</p> <p>7 A. I don't recall that.</p> <p>8 Q. Okay. And do you recall three years ago at</p> <p>9 a time when new portable radios were purchased by the</p> <p>10 sheriff's office?</p> <p>11 A. We buy radios quite often.</p> <p>12 Q. Okay. Do you recall -- when you buy new</p> <p>13 radios, do you recall what you do with the older radios</p> <p>14 when they are replaced?</p> <p>15 A. They are -- sometimes they are sent down to</p> <p>16 dispatch, and if they are not any good, you know, they</p> <p>17 throw them away.</p> <p>18 Q. And have you ever given any of these old</p> <p>19 radios to private citizens who are not law enforcement</p> <p>20 officials and not employees of the County?</p> <p>21 A. We have for the rescue squads.</p> <p>22 Q. Okay.</p> <p>23 A. And the fire department members.</p> <p>24 Q. You give them to them?</p>

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<p>1 A. We give them to the department, yes.</p> <p>2 Q. For them to use in the course of their</p> <p>3 professional duties as a fireman or rescue squad worker?</p> <p>4 A. Yes.</p> <p>5 Q. But you've never given an old radio that</p> <p>6 was no longer to be used by the sheriff's office as a gift</p> <p>7 to a private individual?</p> <p>8 A. No.</p> <p>9 Q. Have there ever been any issues at the</p> <p>10 sheriff's office with missing firearms under your watch?</p> <p>11 A. Yes, there was.</p> <p>12 Q. Okay, and what can you recall about that</p> <p>13 incident?</p> <p>14 A. We had one to retire and the firearm was</p> <p>15 missing.</p> <p>16 Q. Okay, and what kind of a firearm was it?</p> <p>17 A. I think that it was a Glock pistol.</p> <p>18 Q. And by "retire," what do you mean by that?</p> <p>19 A. He left. He retired.</p> <p>20 Q. Okay. The officer who used that gun?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And so what happened to the</p> <p>23 firearm? You don't know?</p> <p>24 A. I don't know.</p>	<p>1 and I contacted a guy that -- an officer that used to work</p> <p>2 for the sheriff's office, and he supposedly took these</p> <p>3 night vision goggles and he supposedly traded them for a</p> <p>4 lawnmower or something, and we looked into this.</p> <p>5 We could not prove it, because everything</p> <p>6 that we ever had any dealings with was present at the</p> <p>7 sheriff's office, and I contacted David Fields and I asked</p> <p>8 him about it, and he said, I give -- he said, I may have</p> <p>9 given a set of night vision goggles to that particular</p> <p>10 officer, David Conley, and he said, I don't know where</p> <p>11 they come from, or if they were mine or somebody gave them</p> <p>12 to me, but it wasn't anything military or anything that we</p> <p>13 had any records of purchasing.</p> <p>14 Q. Okay. Are you aware of a thermal imaging</p> <p>15 scope that was in the possession of sheriff's department</p> <p>16 that has gone missing?</p> <p>17 A. No, we have two or three that are at the</p> <p>18 sheriff's office.</p> <p>19 Q. And are you aware of one that was perhaps</p> <p>20 -- it might refresh your memory, that you know was bought</p> <p>21 via a grant and that it can't be located currently?</p> <p>22 A. No, it is in my vehicle.</p> <p>23 Q. And are you using it for --</p> <p>24 A. It is in my police car.</p>
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<p>1 Q. And did he -- so when this officer retired,</p> <p>2 are you aware of whether or not that gun was left in the</p> <p>3 possession of the sheriff's office initially?</p> <p>4 A. No, I'm not.</p> <p>5 Q. Okay. And the sheriff's office, are they</p> <p>6 required to keep paperwork on all of the firearms within</p> <p>7 its possession?</p> <p>8 A. Yes.</p> <p>9 Q. And do you recall what the paperwork</p> <p>10 regarding this gun, this Glock you are referring to, would</p> <p>11 indicate? I mean, where was the last known information</p> <p>12 about this Glock?</p> <p>13 A. It was in his possession and I -- and, you</p> <p>14 know, I don't know. I don't know if it's been returned or</p> <p>15 not.</p> <p>16 Q. All right.</p> <p>17 A. As far as I know, we're not missing any.</p> <p>18 Q. Are you aware of any night vision goggles</p> <p>19 that were in the possession of the sheriff's office that</p> <p>20 have been lost or turned up missing?</p> <p>21 A. That was brought to my attention a couple</p> <p>22 of years ago, that a pair of night vision goggles</p> <p>23 was missing, but we've checked our records for our</p> <p>24 military equipment and everything and they are all there,</p>	<p>1 Q. Okay.</p> <p>2 A. And no, I have the night vision in my</p> <p>3 police car; the thermal imaging is in Lieutenant Andy</p> <p>4 Metro's vehicle.</p> <p>5 Q. Okay. If I told you -- if I used the term</p> <p>6 "license plate reader," do you know what I'm referring</p> <p>7 to?</p> <p>8 A. I remember something about that, yes.</p> <p>9 Q. Well, just forgetting any specifics, if you</p> <p>10 could just tell me, what is a license plate reader? Is it</p> <p>11 attached to your car?</p> <p>12 A. It was in his vehicle.</p> <p>13 Q. Well, forget the one in his vehicle; just</p> <p>14 educate me because I'm not a police officer, what is a</p> <p>15 license plate reader?</p> <p>16 A. I guess that it reads license plates. I</p> <p>17 don't know.</p> <p>18 Q. Okay.</p> <p>19 A. I know that we have one on the grant.</p> <p>20 Q. Okay.</p> <p>21 A. And I don't know where it is at now.</p> <p>22 Q. But there was an issue -- how does Mr. Dunn</p> <p>23 factor into this? You were about to tell me.</p> <p>24 A. It was put in his vehicle.</p>

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1	Q. Okay, and was it removed from his vehicle	1	Q. And has that happened?
2	at some point?	2	A. It did one time, and it should not have
3	A. I don't know.	3	happened.
4	Q. But currently, it can't be found?	4	Q. Why is that?
5	A. Oh, I don't know.	5	A. Because we are under an agreement with the
6	Q. Okay.	6	jail. These inmates have to be under law enforcement
7	A. I didn't know that it was missing.	7	supervision at all times.
8	Q. What is -- is there an inmate work program?	8	Q. Okay.
9	A. Yes.	9	A. I mean, I can't be working them here and
10	Q. And what is that?	10	you come up and say, well, I want to take three or four
11	A. There is a program we started at the -- at	11	down the road here to do another job.
12	Giles County, they are the -- it is a -- anywhere from six	12	Q. Okay.
13	to eight inmates that are worked periodically through the	13	A. They have to be supervised by everyone, by
14	week and sometimes on the weekends and they are under a	14	somebody that is a law enforcement agent.
15	guard, and they perform various duties for the County, you	15	Q. Okay.
16	know, mowing, digging ditches, laying block, brick, doing	16	A. Or a correctional officer --
17	tile work in the school systems. They paint, they prune	17	Q. All right.
18	trees, trim bushes, whatever needs to be done.	18	A. -- representing the Giles County sheriff's
19	Q. And the sheriff's office oversees these	19	office.
20	inmates performing the work?	20	Q. All right.
21	A. No, the County does. Well, the County pays	21	A. Now, if somebody from the jail wants to
22	for everything and we have a -- there is what we use now;	22	come, I guess that would be okay because we have a crew
23	there is the jailers from the New River Valley Regional	23	that comes over from the jail that is supervised by a
24	Jail at Dublin.	24	correction officer.
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1	Q. Okay. But as far as how this work is to be	1	Q. Okay. Prior to being elected sheriff,
2	performed, does your office have any sort of authority to	2	where were you employed?
3	direct how this work is being performed? I mean, like,	3	A. Virginia Tech Police.
4	for instance, would inmates do work out in the public?	4	Q. And how long did you work there?
5	Does the sheriff's office ever -- you say that it's	5	A. I think 13 years.
6	jailers working it, but does the sheriff's office ever	6	Q. And did you ever have a discussion with
7	have any authority over this?	7	Scott Dunn about what Mr. Dunn's role might be if you were
8	A. They are -- the sheriff's office, we	8	elected sheriff?
9	employ -- we have the jailers.	9	A. Yes.
10	Q. Are they --	10	Q. What did you say?
11	A. They are deputies.	11	A. We talked about him coming to work for me,
12	Q. Okay.	12	possibly being a chief deputy.
13	A. But as far as the work, no.	13	Q. But he never became a chief deputy?
14	Q. Okay.	14	A. No.
15	A. The County tells them what they need to do	15	Q. Did you talk to Joe Shanks about that, too,
16	and they do the work.	16	before being elected?
17	Q. Okay.	17	A. About being chief deputy?
18	A. Because I would not know the first thing	18	Q. Yes.
19	about telling them how to finish concrete and things like	19	A. No.
20	that.	20	Q. Anybody else?
21	Q. Okay. And have you ever been requested to	21	A. Mike Falls.
22	split the working performed by these inmates into two	22	Q. And so you picked Mike over Scott?
23	crews?	23	A. Yes.
24	A. Yes.	24	Q. Do you know if Ms. Perkins ever addressed

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<p>1 the Board about her pay issues, her salary?</p> <p>2 A. I don't know. She might have. I think I</p> <p>3 asked to help supplement her pay, you know, give her a</p> <p>4 little bit more money a time or two.</p> <p>5 Q. Okay. All right, I'm just going to</p> <p>6 represent some information to you. I'm holding a document</p> <p>7 in front of the deponent, and I will represent to you that</p> <p>8 these are Board minutes. I'm going to read a section from</p> <p>9 it and then ask if you have any knowledge or you agree or</p> <p>10 disagree. This is about the date by which the County took</p> <p>11 over the shelter.</p> <p>12 A. Okay.</p> <p>13 Q. "Mr. McKlarney requested members to review</p> <p>14 the procedures provided for the shelter, animal control,</p> <p>15 and volunteers and provide any comments. He related the</p> <p>16 County had assumed responsibility of animal control on</p> <p>17 August 15," and that would be of 2014; does that sound</p> <p>18 right to you?</p> <p>19 A. I thought they did it earlier than that.</p> <p>20 It may be, but I don't know.</p> <p>21 MR. STRELKA: Okay. All right. This is a</p> <p>22 letter that I would like to be entered as Exhibit</p> <p>23 Number 7.</p> <p>24</p>	<p>1 be Exhibit Number 8, please.</p> <p>2</p> <p>3 (The above-mentioned document was marked as</p> <p>4 Deposition Exhibit Number 8 and entered into the</p> <p>5 Deposition.)</p> <p>6</p> <p>7 BY MR. STRELKA:</p> <p>8 Q. Have you ever seen this before?</p> <p>9 A. Yes.</p> <p>10 Q. And what is it?</p> <p>11 A. That is the USDA inspection.</p> <p>12 Q. All right.</p> <p>13 A. After everything had been taken care of.</p> <p>14 Q. And did you ever go over this report with</p> <p>15 any Board member?</p> <p>16 A. I don't know.</p> <p>17 Q. All right.</p> <p>18 A. I think that Chris McKlarney talked about</p> <p>19 it.</p> <p>20 Q. And what did he say?</p> <p>21 A. He said things were -- you know, needed to</p> <p>22 be fixed, and then they were fixed.</p> <p>23 Q. Okay. So as far as you are concerned from</p> <p>24 your perspective, all of the issues that were impacting</p>
Page 115	Page 117
<p>1 (The above-mentioned document was marked as</p> <p>2 Deposition Exhibit Number 7 and entered into the</p> <p>3 Deposition.)</p> <p>4</p> <p>5 BY MR. STRELKA:</p> <p>6 Q. Now, Mr. Millirons, this letter is not</p> <p>7 addressed to you and it does not indicate that it was</p> <p>8 written by you, Sheriff, but I want to know if you ever</p> <p>9 read this before.</p> <p>10 A. This one here (indicating)?</p> <p>11 Q. Yes, sir.</p> <p>12 A. Yes.</p> <p>13 Q. How did this -- how did you -- excuse me,</p> <p>14 when did you read this letter the first time?</p> <p>15 A. When it came out.</p> <p>16 Q. All right.</p> <p>17 A. And this was after the inspection.</p> <p>18 Q. Sure, and how did you receive a copy of</p> <p>19 it? Was a copy emailed to you?</p> <p>20 A. I think that there was a copy emailed. I</p> <p>21 think that Chris McKlarney also sent me one by email.</p> <p>22 Q. Okay.</p> <p>23 A. I'm not sure, but I think so.</p> <p>24 MR. STRELKA: Okay. I would like this to</p>	<p>1 the shelter were fixed at the time that the County took it</p> <p>2 back over?</p> <p>3 A. Yes, they were cosmetic.</p> <p>4 Q. Okay.</p> <p>5 A. And they were -- everything was fine. The</p> <p>6 hours that they wanted the shelter governed was placed on</p> <p>7 the door, and as far as I know, the shelter was being</p> <p>8 manned the way that the County wanted it.</p> <p>9 MR. STRELKA: I would like this to be</p> <p>10 Exhibit Number 9, please.</p> <p>11</p> <p>12 (The above-mentioned document was marked as</p> <p>13 Deposition Exhibit Number 9 and entered into the</p> <p>14 Deposition.)</p> <p>15</p> <p>16 BY MR. STRELKA:</p> <p>17 Q. Do you recognize the document that has been</p> <p>18 placed in front of you?</p> <p>19 A. I think so.</p> <p>20 Q. Okay. Is this a letter that you sent?</p> <p>21 A. Yes.</p> <p>22 Q. And is that your signature at the bottom?</p> <p>23 A. Yes.</p> <p>24 MR. STRELKA: I would like this to be</p>

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<p>1 Exhibit Number 10.</p> <p>2</p> <p>3 (The above-mentioned document was marked as</p> <p>4 Deposition Exhibit Number 10 and entered into the</p> <p>5 Deposition.)</p> <p>6</p> <p>7 BY MR. STRELKA:</p> <p>8 Q. Did you ever see this letter before? I</p> <p>9 know that it does not purport to be written to you or by</p> <p>10 you, but I'm curious as to whether you've ever seen it</p> <p>11 before.</p> <p>12 A. I think so.</p> <p>13 Q. Okay, do you recall ever having any</p> <p>14 discussions with any Board members regarding this letter?</p> <p>15 A. This is when we were talking about putting</p> <p>16 the time clock -- the time clock and the camera there.</p> <p>17 That way we could have proof that the shelter was being</p> <p>18 occupied.</p> <p>19 Q. Okay.</p> <p>20 A. And the animals were not left over 24</p> <p>21 hours.</p> <p>22 Q. Okay. And do you recall ever having a</p> <p>23 discussion with the Plaintiff about that letter?</p> <p>24 A. No. I don't think so.</p>	<p>1 should respond --</p> <p>2 A. Yes.</p> <p>3 Q. -- to the Department of Agriculture's --</p> <p>4 A. Yes.</p> <p>5 Q. All right.</p> <p>6 A. I remember this now.</p> <p>7 Q. All right.</p> <p>8 A. This is the one where he's talking about</p> <p>9 the video surveillance camera and a time clock.</p> <p>10 Q. So at the time that this letter was sent,</p> <p>11 you would have had -- you are saying that you would have</p> <p>12 had discussions with Mr. McKlarney about some of the issue</p> <p>13 presented in here; is that right?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 A. Yes, I remember this now.</p> <p>17 MR. STRELKA: Okay. This will be 12.</p> <p>18</p> <p>19 (The above-mentioned document was marked as</p> <p>20 Deposition Exhibit Number 12 and entered into the</p> <p>21 Deposition.)</p> <p>22</p> <p>23 BY MR. STRELKA:</p> <p>24 Q. I will represent to you that in the course</p>
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<p>1 MR. STRELKA: All right. Let's mark this</p> <p>2 as Number 11.</p> <p>3</p> <p>4 (The above-mentioned document was marked as</p> <p>5 Deposition Exhibit Number 11 and entered into the</p> <p>6 Deposition.)</p> <p>7</p> <p>8 BY MR. STRELKA:</p> <p>9 Q. I will represent to you this is a</p> <p>10 response -- this is a letter response from the Board of</p> <p>11 Supervisors to the Department of Agriculture. Did you</p> <p>12 ever discuss with any Board member the drafting of this</p> <p>13 letter?</p> <p>14 A. Wait a minute here.</p> <p>15 Q. All right.</p> <p>16 A. Is this the one here that you are asking</p> <p>17 about?</p> <p>18 Q. I'm asking about Exhibit Number 11.</p> <p>19 A. Okay.</p> <p>20 Q. First of all, have you ever read this</p> <p>21 letter before; have you ever seen it?</p> <p>22 A. I'm not sure.</p> <p>23 Q. Okay. And did you ever have any</p> <p>24 discussions with Chris McKlarney about how the Board</p>	<p>1 of discovery in this case, we've got this letter that</p> <p>2 indicated that she wrote it. I know that you are not</p> <p>3 Chastity Perkins, but have you ever seen this before?</p> <p>4 A. Yes.</p> <p>5 Q. And do you know why this letter was</p> <p>6 written?</p> <p>7 A. I think she was wanting more money.</p> <p>8 Q. Okay. And how did you --</p> <p>9 A. I think.</p> <p>10 Q. How did you get to be able to see this</p> <p>11 letter? When did you see it?</p> <p>12 A. I think she gave it to me.</p> <p>13 Q. Okay. And --</p> <p>14 A. I'm thinking.</p> <p>15 Q. Okay. Why would she have given it to you?</p> <p>16 A. I think that -- I guess she wanted me to go</p> <p>17 to the Board and ask for more money. I believe that this</p> <p>18 is what I'm thinking about here.</p> <p>19 Q. So you recall a conversation with Ms.</p> <p>20 Perkins in which she indicated that she wanted more money?</p> <p>21 A. She told me one or two times, you know,</p> <p>22 that she had been doing the same job for the same amount</p> <p>23 of money and never did receive a raise.</p> <p>24 Q. Okay. And did you instruct Ms. Perkins to</p>

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<p>1 write this letter?</p> <p>2 A. I don't think so.</p> <p>3 Q. All right.</p> <p>4 A. But I did tell her to contact the Board.</p> <p>5 Q. Okay.</p> <p>6 A. And I'm thinking that I contacted the Board</p> <p>7 as well.</p> <p>8 Q. All right. So you contacted the Board on</p> <p>9 behalf of Ms. Perkins?</p> <p>10 A. Yes, to get her some more money.</p> <p>11 Q. Okay.</p> <p>12 A. Wait a minute, this is not the one that I</p> <p>13 was thinking about.</p> <p>14 MR. STRELKA: This will be marked as</p> <p>15 Exhibit 13, please.</p> <p>16</p> <p>17 (The above-mentioned document was marked as</p> <p>18 Deposition Exhibit Number 13 and entered into the</p> <p>19 Deposition.)</p> <p>20</p> <p>21 BY MR. STRELKA:</p> <p>22 Q. We're on to another Exhibit, sir.</p> <p>23 A. Okay.</p> <p>24 Q. I'm not going to ask you any more questions</p>	<p>1 A. I do.</p> <p>2 Q. And let's look at this second paragraph.</p> <p>3 It says, "First, your budget currently has funding for two</p> <p>4 full-time animal control officers, however, one full-time</p> <p>5 position currently exists." Would you agree with that</p> <p>6 statement?</p> <p>7 A. Yes, at the time.</p> <p>8 Q. Okay. And so the one full-time was Melvin</p> <p>9 Dalton; is that right, the one full-time?</p> <p>10 A. At this time here it was probably Jeff.</p> <p>11 Q. Spicer?</p> <p>12 A. Spicer.</p> <p>13 Q. And so one full-time, we have Mr. Spicer?</p> <p>14 A. Yes.</p> <p>15 Q. And then we have our part-time guy, Mr.</p> <p>16 Gough?</p> <p>17 A. At the time it was Frank Gough.</p> <p>18 Q. Okay.</p> <p>19 A. And one was being used as a road deputy.</p> <p>20 Q. That is what I was going to ask. The funds</p> <p>21 that were begin given for these full-time animal control</p> <p>22 officers, where were the funds, because you weren't</p> <p>23 utilizing two full-time animal control officers, where</p> <p>24 were the funds that were extra going, that were left over?</p>
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<p>1 about that.</p> <p>2 A. Okay.</p> <p>3 Q. Have you ever seen this letter?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And do you know why Mr. Hunt wrote</p> <p>6 this letter?</p> <p>7 A. I think that I may have contacted him.</p> <p>8 Q. Okay. And requested that he write this</p> <p>9 letter?</p> <p>10 A. And told him that, you know, the Board had</p> <p>11 asked me about, you know, the hours she was working.</p> <p>12 Q. Okay.</p> <p>13 A. And he wrote this letter.</p> <p>14 Q. And you provided this letter to the Board?</p> <p>15 A. Yes.</p> <p>16 MR. STRELKA: All right. I will ask that</p> <p>17 this be marked as Exhibit Number 14.</p> <p>18</p> <p>19 (The above-mentioned document was marked as</p> <p>20 Deposition Exhibit Number 14 and entered into the</p> <p>21 Deposition.)</p> <p>22</p> <p>23 BY MR. STRELKA:</p> <p>24 Q. Do you recall receiving this letter?</p>	<p>1 A. They were being utilized as a road deputy.</p> <p>2 What are you talking about, left over from?</p> <p>3 Q. Okay, so here we have Chris McKlarney</p> <p>4 stating in a statement that you agreed to, first your</p> <p>5 budget currently has funding for two full-time animal</p> <p>6 control officers?</p> <p>7 A. Yes.</p> <p>8 Q. All right. And where does the funding come</p> <p>9 from your budget?</p> <p>10 A. The Board of Supervisors.</p> <p>11 Q. The County?</p> <p>12 A. The County.</p> <p>13 Q. Okay, and so the County has given the</p> <p>14 sheriff's office money for two full-time animal control</p> <p>15 officers, but we know that the sheriff's office does not</p> <p>16 employ two, right?</p> <p>17 A. Yes.</p> <p>18 Q. So there would be money left over in the</p> <p>19 budget because you weren't employing two full-time animal</p> <p>20 control officers?</p> <p>21 A. Right; I was utilizing one as a field</p> <p>22 deputy --</p> <p>23 Q. All right.</p> <p>24 A. -- that was working a shift.</p>



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<p>1 Q. So the other full-time position that you 2 were using this money for was going to a road deputy? 3 A. Yes. 4 Q. Okay. And did you have the authority to 5 make that decision? 6 A. I asked the Board of Supervisors if I could 7 do that in a closed meeting. 8 Q. When? 9 A. It was -- I believe that it was February of 10 2008. 11 Q. Okay. 12 A. The same time that I asked about the 13 leftover funding. 14 Q. How often does the budget get redone for 15 the sheriff's office? 16 A. Each year. 17 Q. Okay. And so if this is in 2014, this 18 letter, why -- if that is -- if that meeting existed and 19 that decision was made in 2008, why did the budget never 20 change? 21 A. I don't know. 22 Q. All right. 23 A. I never did have but one full-time animal 24 control officer.</p>	<p>1 questions about that letter. I'd like this to be Exhibit 2 Number 16, please. 3 4 (The above-mentioned document was marked as 5 Deposition Exhibit Number 16 and entered into the 6 Deposition.) 7 8 BY MR. STRELKA: 9 Do you recall seeing this email to Mr. 10 McKlarney? 11 A. I don't remember it, but I must have seen 12 it. 13 Q. You don't have any reason to deny the truth 14 of that email, that document? 15 A. No. 16 MR. STRELKA: Okay. This is a two-page 17 document that I would like to be entered as 18 Exhibit Number 17. 19 20 (The above-mentioned document was marked as 21 Deposition Exhibit Number 17 and entered into the 22 Deposition.) 23 24 BY MR. STRELKA:</p>
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<p>1 Q. All right. 2 A. From 2008 until I guess last year. 3 Q. If the Board has given you money to utilize 4 and employ two full-time animal control officers, does the 5 Board have the authority to direct you to do that? 6 A. I guess they could, but I asked them if I 7 could utilize that one person as a field deputy and they 8 said yes. 9 Q. All right. 10 A. I wouldn't have done something like that 11 unless they would have given me permission. 12 MR. STRELKA: Let's mark this as 15, 13 please. 14 15 (The above-mentioned document was marked as 16 Deposition Exhibit Number 15 and entered into the 17 Deposition.) 18 19 BY MR. STRELKA: 20 Q. Have you ever seen this letter? 21 A. Yes, I wrote this letter, I think. 22 Q. You wrote this letter? 23 A. Yes. 24 Q. Okay, I guess that I don't have any</p>	<p>1 Q. All right, we will look at the first page 2 of this two-page document collectively labeled as Exhibit 3 Number 17. Do you recall seeing this email to Mr. 4 McKlarney and Mr. Dalton? 5 A. I guess that I did. I remember talking to 6 him about it, but I don't remember ever sending an email. 7 Q. All right, you say here in this email, 8 "I've received several emails from individuals about this 9 issue." Do you recall who sent you emails? 10 A. I'm thinking that Charlie Herbert did, but 11 I'm not sure. 12 Q. What did he say? 13 A. He told me one day, he said that -- I had a 14 meeting with him and he said, I think that you've been fed 15 poison. 16 Q. What did he mean by that? 17 A. He said just bad rumors. 18 Q. Okay. 19 A. And he said, please don't take one person's 20 thoughts from everybody that wants to help. 21 Q. Okay. I would like you to turn to the 22 second page. Do you see that bottom email where it says, 23 "From Giles County Animal Rescue to Morgan Millirons, 24 January 31, 2013"?</p>

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<p>1 A. Hmm-hmm.</p> <p>2 Q. Is that a yes?</p> <p>3 A. Do what?</p> <p>4 Q. Is that a yes? You said hmm-hmm.</p> <p>5 A. Yes, I see it.</p> <p>6 Q. Okay. And do you recall, she says here, "I</p> <p>7 take your silence as NO volunteers allowed, period." Had</p> <p>8 you received prior inquiries from Ms. Link-Owens?</p> <p>9 A. I'm not sure.</p> <p>10 Q. All right.</p> <p>11 A. I might have.</p> <p>12 Q. Do you know why you didn't contact her, why</p> <p>13 you didn't respond?</p> <p>14 A. No, I don't.</p> <p>15 Q. Sitting here today, you don't have any idea</p> <p>16 why you did not respond to her?</p> <p>17 A. No, I don't.</p> <p>18 Q. Were you concerned about the well-being of</p> <p>19 the animals in the shelter after these volunteers were</p> <p>20 prevented access?</p> <p>21 A. Sure.</p> <p>22 Q. All right.</p> <p>23 A. I just wanted to make sure that they were</p> <p>24 being taken care of, adopted. I mean, the euthanization</p>	<p>1 the shelter was not accepting any more animals?</p> <p>2 A. I remember that comment.</p> <p>3 Q. Okay.</p> <p>4 A. That was made, but I don't remember when it</p> <p>5 was and I don't remember --</p> <p>6 Q. Okay, so you don't have any memory of</p> <p>7 conversations with anyone about that issue?</p> <p>8 A. No.</p> <p>9 MR. STRELKA: I'd like these to be admitted</p> <p>10 as Exhibit Number 19.</p> <p>11</p> <p>12 (The above-mentioned document was marked as</p> <p>13 Deposition Exhibit Number 19 and entered into the</p> <p>14 Deposition.)</p> <p>15</p> <p>16 MR. GUYNN: You mean marked as 19?</p> <p>17 MR. STRELKA: Yes.</p> <p>18</p> <p>19 BY MR. STRELKA:</p> <p>20 Q. All right. Do you recall receiving the</p> <p>21 email from Chris McKlarney that is on the bottom of that</p> <p>22 first page there on April 22, 2013?</p> <p>23 A. Yes.</p> <p>24 Q. And is that your response above it on April</p>
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<p>1 rate had dropped, and that was the whole idea.</p> <p>2 Q. Hmm-hmm.</p> <p>3 A. We wanted -- we would start out with a lot</p> <p>4 of cats and they would -- I think that Angels of Assisi or</p> <p>5 somebody like that would come and get most of them.</p> <p>6 MR. STRELKA: Okay. All right, I would</p> <p>7 like this to be marked as Exhibit Number 18.</p> <p>8</p> <p>9 (The above-mentioned document was marked as</p> <p>10 Deposition Exhibit Number 18 and entered into the</p> <p>11 Deposition.)</p> <p>12</p> <p>13 BY MR. STRELKA:</p> <p>14 Q. All right, that top email -- excuse me, the</p> <p>15 bottom email, do you recall seeing that email to Chris</p> <p>16 McKlarney on February 4th?</p> <p>17 A. No, I don't.</p> <p>18 Q. All right.</p> <p>19 A. I don't remember this, but apparently, I</p> <p>20 did.</p> <p>21 Q. So do you recall, I mean, you said that you</p> <p>22 don't remember this, but I'm still going to ask this</p> <p>23 question. Do you recall any incident in which a member of</p> <p>24 Giles County Animal Rescue was telling anybody else that</p>	<p>1 22, 2013 at 4:22 p.m.?</p> <p>2 A. Yes.</p> <p>3 Q. All right, and let's look at the second</p> <p>4 page there, the very bottom, you see it says April 22 at</p> <p>5 9:27 in the morning. Did you send that email to Chris</p> <p>6 McKlarney?</p> <p>7 A. I must have.</p> <p>8 Q. All right. Do you know an April Lowry?</p> <p>9 A. I think so.</p> <p>10 Q. Would she be a volunteer at Giles Animal</p> <p>11 Rescue?</p> <p>12 A. I think she is, or she was.</p> <p>13 Q. Do you recall a complaint from her about</p> <p>14 issues at the shelter?</p> <p>15 A. Yes.</p> <p>16 Q. And what do you recall?</p> <p>17 A. I remember she come in and she said that</p> <p>18 Chastity was taking food.</p> <p>19 Q. Okay.</p> <p>20 A. I believe that she was the one telling me</p> <p>21 that Chastity was carrying dog food out.</p> <p>22 Q. All right.</p> <p>23 A. And I think that she is the one that does</p> <p>24 the photographs. I am not sure.</p>

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<p>1 MR. STRELKA: Well, let's just look at this</p> <p>2 email. Let's mark that as Exhibit Number 20,</p> <p>3 please.</p> <p>4</p> <p>5 (The above-mentioned document was marked as</p> <p>6 Deposition Exhibit Number 20 and entered into the</p> <p>7 Deposition.)</p> <p>8</p> <p>9 BY MR. STRELKA:</p> <p>10 Q. Now, I will ask you if you recall receiving</p> <p>11 this email. Do you recall receiving this?</p> <p>12 A. No, I don't.</p> <p>13 Q. Do you recall ever issuing a response to</p> <p>14 it?</p> <p>15 A. I'm not sure.</p> <p>16 MR. STRELKA: That will be Exhibit Number</p> <p>17 21.</p> <p>18</p> <p>19 (The above-mentioned document was marked as</p> <p>20 Deposition Exhibit Number 21 and entered into the</p> <p>21 Deposition.)</p> <p>22</p> <p>23 BY MR. STRELKA:</p> <p>24 Q. Do you recall receiving this email from</p>	<p>1 Q. All right. Do you see the -- it is the</p> <p>2 fourth paragraph.</p> <p>3 A. Yes.</p> <p>4 Q. "What I understand to be the issue is</p> <p>5 someone getting into the locked room to give a puppy that</p> <p>6 came in on the weekend food and someone 'allegedly'</p> <p>7 breaking into the animal control officer's office - locked</p> <p>8 room." Did you ever have a discussion with this woman</p> <p>9 about these issues?</p> <p>10 A. I don't know if I did or not.</p> <p>11 Q. All right.</p> <p>12 A. A lot of times I talk to people on the</p> <p>13 telephone and I don't know how to put a face with it.</p> <p>14 Q. Here Ms. Lowry is indicating, and I'm</p> <p>15 saying it's Ms. Lowry because it says, "From: Ms. Lowry."</p> <p>16 A. I understand.</p> <p>17 Q. Here Ms. Lowry is indicating in this email</p> <p>18 that the locked food room was broken into to provide food</p> <p>19 for an undernourished dog. Would you agree that that was</p> <p>20 an appropriate action by -- if true, by the volunteers?</p> <p>21 A. If true, yes.</p> <p>22 Q. Okay. But I guess you don't know -- we</p> <p>23 don't know if it was true or not?</p> <p>24 A. No, I don't.</p>
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<p>1 April Lowry on Monday, March 4, 2013? Do you recall</p> <p>2 receiving this?</p> <p>3 A. I'm thinking that I did.</p> <p>4 Q. Do you recall if you ever issued any</p> <p>5 response to it?</p> <p>6 A. No.</p> <p>7 Q. You don't recall?</p> <p>8 A. Well, wait just a minute. Okay. I don't</p> <p>9 know if I responded back to that or not.</p> <p>10 MR. STRELKA: All right, this two-page</p> <p>11 document will be marked as Exhibit Number 22,</p> <p>12 please.</p> <p>13</p> <p>14 (The above-mentioned document was marked as</p> <p>15 Deposition Exhibit Number 22 and entered into the</p> <p>16 Deposition.)</p> <p>17</p> <p>18 MR. STRELKA: Let's go off the Record for a</p> <p>19 second.</p> <p>20 (Discussion off the Record.)</p> <p>21 (A recess was taken.)</p> <p>22 BY MR. STRELKA:</p> <p>23 Q. Have you had a chance to read this email?</p> <p>24 A. I did.</p>	<p>1 Q. And I guess that you never touched base</p> <p>2 with this woman?</p> <p>3 A. No.</p> <p>4 Q. All right.</p> <p>5 A. Not that I know of.</p> <p>6 Q. Upon receipt of this information, did this</p> <p>7 give you pause about whether or not that food room should</p> <p>8 be locked? Did you reconsider that decision?</p> <p>9 A. I did, and I asked them why it was being</p> <p>10 locked, and they told me that they leave out there during</p> <p>11 the day after feeding the animals, and they would come</p> <p>12 back and they would re-feed them, and you can give them</p> <p>13 too much.</p> <p>14 Q. All right.</p> <p>15 A. They said that was the issue.</p> <p>16 Q. Okay. Couldn't that issue have been solved</p> <p>17 by a little piece of paper on a clipboard with a pencil</p> <p>18 where you would write down who was fed and when?</p> <p>19 A. I guess it could have.</p> <p>20 Q. So really --</p> <p>21 A. I mean --</p> <p>22 Q. Would you agree with me that there were</p> <p>23 other ways to address that issue other than locking the</p> <p>24 food door?</p>

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<p>1 A. Well, there are other ways but that is one</p> <p>2 way to guarantee they are not getting re-fed.</p> <p>3 Q. But it's also a way to guarantee that, if a</p> <p>4 dog is in need of nourishment and volunteers don't have</p> <p>5 the key to get in the locker room, that the only way to</p> <p>6 provide that nourishment at the shelter would be to break</p> <p>7 in that locked room; isn't that right?</p> <p>8 A. They could do that or they could also call</p> <p>9 and tell somebody what they have going on.</p> <p>10 Q. And was there -- I think that you addressed</p> <p>11 this, but I just want to make sure. I know that the</p> <p>12 animal control officer's office was broken into and you</p> <p>13 said the papers were shuffled and in disarray and so</p> <p>14 forth?</p> <p>15 A. Yes.</p> <p>16 Q. Nothing was taken, though, right?</p> <p>17 A. As far as I know, there wasn't, except for</p> <p>18 dog leads and buckets and pans.</p> <p>19 Q. But that had happened earlier; isn't that</p> <p>20 right?</p> <p>21 A. Well, that is when, you know, things had</p> <p>22 been disappearing.</p> <p>23 Q. Right, right, but my point is, it's not</p> <p>24 like, in order to get access to the dog leads and buckets</p>	<p>1 you are not Verizon, but if there was no cell service and</p> <p>2 the phone was locked up, there is really no way for them</p> <p>3 to call, is there?</p> <p>4 A. That is probably correct.</p> <p>5 Q. Do you see on this first page, do you see</p> <p>6 the bottom line where it says, "The only sure way of</p> <p>7 securing the facility and its items will be to have</p> <p>8 cameras on hand.... and GCAR is more than willing to</p> <p>9 purchase these items;" do you see that?</p> <p>10 A. Hmm-hmm.</p> <p>11 Q. You said hmm-hmm.</p> <p>12 A. Yes, I agree.</p> <p>13 Q. Did you ever have any discussion with any</p> <p>14 member of Giles County Animal Rescue about the purchasing</p> <p>15 of surveillance equipment for the shelter?</p> <p>16 A. No, sir.</p> <p>17 Q. Didn't you indicate earlier that you</p> <p>18 desired cameras at the shelter?</p> <p>19 A. I did, but --</p> <p>20 Q. Didn't you indicate earlier that the</p> <p>21 problem with that was the cost? You said that it was</p> <p>22 expensive, and they talked about a time clock; isn't that</p> <p>23 right?</p> <p>24 A. Yes.</p>
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<p>1 and pans, you would have to break into the animal control</p> <p>2 officer's office; right; they are not just kept there?</p> <p>3 A. As far as I know, there is not anything</p> <p>4 that is -- you know, there wasn't any medication missing.</p> <p>5 Q. Are you aware of -- just because you've</p> <p>6 physically been to the animal shelter, right?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Are you aware of whether or not you had</p> <p>9 cell service when you were there?</p> <p>10 A. No, I'm not.</p> <p>11 Q. Have you ever heard of -- about there being</p> <p>12 any difficulty with having cellular service at the animal</p> <p>13 shelter?</p> <p>14 A. Yes.</p> <p>15 Q. And is there a phone that is at the animal</p> <p>16 shelter?</p> <p>17 A. There is.</p> <p>18 Q. All right.</p> <p>19 A. It's probably locked up in the office.</p> <p>20 Q. It's locked up in the office?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And you mentioned earlier that they</p> <p>23 could always call, but assuming -- I mean, I know that we</p> <p>24 don't know, I'm not the cellular god and you don't know;</p>	<p>1 Q. Okay. And --</p> <p>2 MR. GUYNN: I think what he said was the</p> <p>3 County discussed that.</p> <p>4 THE WITNESS: The County discussed that. I</p> <p>5 didn't discuss that with GCAR.</p> <p>6 BY MR. STRELKA:</p> <p>7 Q. All right, and we know that, and did you</p> <p>8 have any discussions with the County about GCAR being</p> <p>9 willing to purchase cameras?</p> <p>10 A. No, not that I know of, and they never</p> <p>11 mentioned it to me.</p> <p>12 MR. STRELKA: All right. This will be</p> <p>13 Exhibit Number 23.</p> <p>14</p> <p>15 (The above-mentioned document was marked as</p> <p>16 Deposition Exhibit Number 23 and entered into the</p> <p>17 Deposition.)</p> <p>18</p> <p>19 BY MR. STRELKA:</p> <p>20 Q. Before you, Sheriff, is a multi-page</p> <p>21 document which has been collectively marked as Exhibit</p> <p>22 Number 23. Do you recall receiving the first email, the</p> <p>23 top email on the first page from Chris McKlarney on May</p> <p>24 13, 2013?</p>

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<p>1 A. No, not right off.</p> <p>2 Q. Okay. And do you recall reading or do you</p> <p>3 recall ever being presented with this long email by</p> <p>4 Christine Link-Owens before?</p> <p>5 A. No, sir. I've had several emails from her,</p> <p>6 but I don't remember this one in particular.</p> <p>7 Q. Okay. And did you ever respond to an email</p> <p>8 from Ms. Link-Owens?</p> <p>9 A. I think that I did.</p> <p>10 Q. Okay.</p> <p>11 A. As many as she sent me, I hope that I did.</p> <p>12 Q. All right, right, and did you ever have a</p> <p>13 discussion with Chris McKlarney about her, specifically</p> <p>14 her, Christine Link-Owens?</p> <p>15 A. I don't know.</p> <p>16 Q. Do you see where -- and I'm just curious,</p> <p>17 do you see where on the first page, second email, in other</p> <p>18 words, the email that is the middle of the way down from</p> <p>19 "Giles County Animal Rescue," there is a line in the</p> <p>20 email address where it says, "c.c." for carbon copy, where</p> <p>21 you have "Susan Kidd, April Lowry, Chris Sokol, Jo</p> <p>22 Thomason, Charlie Herbert;" do you know any of those</p> <p>23 individuals?</p> <p>24 A. I know Susan Kidd, Chris Sokol, and Charlie</p>	<p>1 you questions about that. I want you to go ahead and</p> <p>2 flip -- well, you see at the bottom here, there is an</p> <p>3 email cutoff, there is a time stamp and date, Christine</p> <p>4 Line-Owens, and I want you to read this email that starts,</p> <p>5 "Dear Sheriff, In today's local Giles newspaper." Read</p> <p>6 that and tell me when you are done.</p> <p>7 A. Okay.</p> <p>8 Q. Do you recall receiving this email?</p> <p>9 A. I do.</p> <p>10 Q. Did you have any discussions with anyone</p> <p>11 about this email that she sent you?</p> <p>12 A. I'm thinking I did.</p> <p>13 Q. Do you recall with whom?</p> <p>14 A. I'm thinking Marilyn Hollie and Chastity.</p> <p>15 Q. All right, the email on the first page that</p> <p>16 is -- that looks to be from you, do you recall seeing that</p> <p>17 email in response to Ms. Link-Owens?</p> <p>18 A. No, I don't.</p> <p>19 Q. Okay.</p> <p>20 A. But apparently I did.</p> <p>21 Q. You have no reason to doubt that that would</p> <p>22 be your email?</p> <p>23 A. No, that is my email address.</p> <p>24 Q. Do you see where it says, "I will have this</p>
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<p>1 Herbert.</p> <p>2 Q. Were they volunteers, or who were they?</p> <p>3 A. I think that Charlie was and Chris.</p> <p>4 Q. Okay.</p> <p>5 A. But Susan, she was the secretary.</p> <p>6 Q. Okay.</p> <p>7 A. To the County administrator.</p> <p>8 Q. I got you, I got you, okay. Do you recall</p> <p>9 a publication in the Giles County newspaper in July of</p> <p>10 2013 about the shelter?</p> <p>11 A. No.</p> <p>12 Q. Okay, let's just look at this. You are</p> <p>13 going to be handed -- this will be Exhibit Number 24.</p> <p>14</p> <p>15 (The above-mentioned document was marked as</p> <p>16 Deposition Exhibit Number 24 and entered into the</p> <p>17 Deposition.)</p> <p>18</p> <p>19 BY MR. STRELKA:</p> <p>20 Q. This is a two-page document, and do you see</p> <p>21 the top part, the two paragraphs and then it says</p> <p>22 "Christine"?</p> <p>23 A. Yes.</p> <p>24 Q. Okay, ignore that, because I'm not asking</p>	<p>1 issue corrected if it is on my end"?</p> <p>2 A. Yes.</p> <p>3 Q. What steps did you take after responding to</p> <p>4 this email in the furtherance of correcting this issue?</p> <p>5 A. Well, I told them that I didn't want to see</p> <p>6 any negative publicity about anybody on our end.</p> <p>7 Q. All right, were you concerned about the</p> <p>8 image of the sheriff's office?</p> <p>9 A. Well, the image of the sheriff's office and</p> <p>10 the County.</p> <p>11 Q. All right.</p> <p>12 A. Are we done with this?</p> <p>13 Q. Yes, sir. This will be Exhibit Number 25.</p> <p>14</p> <p>15 (The above-mentioned document was marked as</p> <p>16 Deposition Exhibit Number 25 and entered into the</p> <p>17 Deposition.)</p> <p>18</p> <p>19 BY MR. STRELKA:</p> <p>20 Q. Do you recall seeing this email to Chris</p> <p>21 McKarney about Chastity Perkins?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. That is all that I was going to ask</p> <p>24 you. I just wanted to make sure that you wrote that.</p>

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<p>1 A. Yes.</p> <p>2 MR. STRELKA: Exhibit Number 26, please.</p> <p>3</p> <p>4 (The above-mentioned document was marked as</p> <p>5 Deposition Exhibit Number 26 and entered into the</p> <p>6 Deposition.)</p> <p>7</p> <p>8 BY MR. STRELKA:</p> <p>9 Q. All right, the email on the bottom from</p> <p>10 Chris McKarney to Morgan Millirons, November 7, 2013?</p> <p>11 A. Yes.</p> <p>12 Q. Do you recall receiving that?</p> <p>13 A. No, but I'm sure I probably did.</p> <p>14 Q. Where it says, "Scott filed a FOIA</p> <p>15 request," are you aware of whether or not Brian Scott</p> <p>16 Dunn filed a FOIA request?</p> <p>17 A. He probably did.</p> <p>18 Q. So is it your understanding that when</p> <p>19 McKlarney here is saying "Scott filed a FOIA request,"</p> <p>20 he's referring to Brian Scott Dunn?</p> <p>21 A. Hmm-hmm, yes, sir.</p> <p>22 Q. Okay. And then did you respond with that</p> <p>23 email on top, Thursday, November 7th?</p> <p>24 A. Yes.</p>	<p>1 Q. All right.</p> <p>2 A. And it refers back to your CAD call, the</p> <p>3 Computer Aided Dispatch.</p> <p>4 Q. And what is the IBR report used for?</p> <p>5 A. That is used for -- well, for court, for</p> <p>6 records, and it is also used for the victim and the -- my</p> <p>7 mind just went blank. I do this all of the time, the UCR,</p> <p>8 Universal Crime Report.</p> <p>9 Q. Okay, so the information provided in an IBR</p> <p>10 report is relied upon by other law enforcement officials;</p> <p>11 would that be a fair statement?</p> <p>12 A. It could be.</p> <p>13 Q. Is an IBR report ever used in the course of</p> <p>14 prosecution of a crime?</p> <p>15 A. It is, yes. It is one of the best things</p> <p>16 they ever came up with.</p> <p>17 Q. And did you ever alter or change an IBR</p> <p>18 report in the course of your duties as sheriff, and when I</p> <p>19 say alter or change an IBR report, I mean one that had</p> <p>20 already been created and then you accessed at a later date</p> <p>21 and made changes.</p> <p>22 A. Me?</p> <p>23 Q. Yes.</p> <p>24 A. I've edited IBR reports.</p>
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<p>1 Q. Okay. And is that statement, "I checked</p> <p>2 with Kelly McCroskey and she stated that we do not have</p> <p>3 any time sheets for her here" a truthful statement?</p> <p>4 A. Yes, that's right.</p> <p>5 Q. So the sheriff's department never -- the</p> <p>6 sheriff's office never maintained any time records for Ms.</p> <p>7 Perkins?</p> <p>8 A. No. Are we going to break for lunch?</p> <p>9 (Discussion off the Record.)</p> <p>10</p> <p>11 (A lunch recess was taken.)</p> <p>12</p> <p>13 BY MR. STRELKA:</p> <p>14 Q. On the Record, all right, what is an IBR</p> <p>15 report, Sheriff?</p> <p>16 A. It is an Incident Based Reporting report.</p> <p>17 Q. All right, and is it an electronic record?</p> <p>18 A. It could be.</p> <p>19 Q. How would someone at the sheriff's office</p> <p>20 report an IBR report?</p> <p>21 A. An officer would have to get an incident</p> <p>22 number, what we call a VFS, and this year it would be</p> <p>23 201500 dash whatever the next incident number would be.</p> <p>24 It's generated by the dispatcher.</p>	<p>1 Q. Okay. Do you recall an IBR report in</p> <p>2 which -- well, as part of this case, that is, Mr. Dunn had</p> <p>3 done an investigation and provided a report that you later</p> <p>4 went back and changed?</p> <p>5 A. Which one are you talking about?</p> <p>6 Q. We'll look at it. I will get to that in</p> <p>7 just a few minutes. I'm going to jump around. I wish</p> <p>8 that I had all of that stuff lined up here, but I don't</p> <p>9 know. I will just go in my order here. All right. Let's</p> <p>10 mark this as Exhibit Number 27. It is a collection of</p> <p>11 documents that has been sequentially Bates labeled</p> <p>12 Defendant's Response to Plaintiff's Request for Production</p> <p>13 of Documents 2 all the way through 16. This will be our</p> <p>14 Exhibit Number 27.</p> <p>15</p> <p>16 (The above-mentioned document was marked as</p> <p>17 Deposition Exhibit Number 27 and entered into the</p> <p>18 Deposition.)</p> <p>19</p> <p>20 BY MR. STRELKA:</p> <p>21 Q. Now, we will go through this one by one, so</p> <p>22 I just want you to look at the first page now.</p> <p>23 A. Okay.</p> <p>24 Q. I believe that these were documents that</p>

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<p>1 were contained within Mr. Dunn's personnel file, if I have 2 that right.</p> <p>3 A. Okay.</p> <p>4 Q. That is what we should be looking at. If 5 I'm wrong, let me know. This first letter, do you 6 recognize this?</p> <p>7 A. Yes.</p> <p>8 Q. And is that your signature at the bottom?</p> <p>9 A. It is.</p> <p>10 Q. And this is a letter that you wrote 11 terminating Scott Dunn?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Okay. Let's move on. If you could take a 14 moment and read the letter that -- I'm going to refer to 15 these pages as Bates labeled; do you see the bottom right?</p> <p>16 A. Yes, sir.</p> <p>17 Q. It says 0003?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And so you will refer to those for the 20 Record as -- you know, please look at the page that has 21 been Bates labeled Number 3 and then you look at this, so 22 we're looking at Number 3 right now. Do you recall 23 writing this?</p> <p>24 A. I do.</p>	<p>1 Q. Okay. Did you send this to anyone or did 2 this just go in his personnel file?</p> <p>3 A. It just went to his personnel file.</p> <p>4 Q. That is what I was trying to get at, what 5 was the purpose of this? When you say, "This was because 6 of a write-up that occurred on September 12, 2013," and I 7 guess that I go to the next page. Let's look at the next 8 page.</p> <p>9 A. Okay.</p> <p>10 Q. Is this the write-up that you were 11 referring to?</p> <p>12 A. Yes.</p> <p>13 Q. And is that your signature?</p> <p>14 A. Yes, it is.</p> <p>15 Q. Okay. And --</p> <p>16 A. Are we finished with this one?</p> <p>17 Q. Yes, sir, we're just flipping through.</p> <p>18 We're on Page 4 now. All right. You say here, "This was 19 unbecoming conduct of a Deputy Sheriff, General Order 23, 20 Section C, by making an entry into the CAD system of this 21 sort." If I was a deputy sheriff, where would I find 22 General Order 23; where is that located?</p> <p>23 A. That was under -- that was -- it's conduct.</p> <p>24 Q. Okay. It's like code of conduct?</p>
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<p>1 Q. And is that your signature?</p> <p>2 A. It is.</p> <p>3 Q. All right.</p> <p>4 A. But I thought that I sent one back that 5 didn't have the --</p> <p>6 MR. GUYNN: That is all right.</p> <p>7 BY MR. STRELKA:</p> <p>8 Q. Do you know whose name is behind that? I 9 think that we have that information.</p> <p>10 A. No, I don't.</p> <p>11 Q. Why did you write this?</p> <p>12 A. Do what?</p> <p>13 Q. Why did you write this letter, Bates 14 labeled 3, this note, whatever this is?</p> <p>15 A. Tommy Gautier told me that he had spoke 16 with Scott Dunn.</p> <p>17 Q. Okay. I got that, and that is what is 18 written here, but my point is, did you feel it necessary 19 to type this out?</p> <p>20 A. I was -- this happened after Mr. Dunn had 21 been demoted.</p> <p>22 Q. Okay, so this was a -- was this a record 23 that you wanted to place in his personnel file?</p> <p>24 A. Yes.</p>	<p>1 A. Yes.</p> <p>2 Q. And can you --</p> <p>3 MR. GUYNN: Wait a minute, where is it 4 stored, I think is what he's asking.</p> <p>5 BY MR. STRELKA:</p> <p>6 Q. Well, the point is where would I access 7 it? If I want to -- I'm a deputy sheriff, I want to read 8 General Order 23, where would I go?</p> <p>9 A. That would be under code of conduct.</p> <p>10 Q. In the operations manual?</p> <p>11 A. Yes, the procedures manual, I'm sorry.</p> <p>12 Q. All right. And that is the one that is 13 available on line?</p> <p>14 A. Yes.</p> <p>15 Q. And you can sign onto it?</p> <p>16 A. Yes, and we have a hard copy there at the 17 office, too.</p> <p>18 Q. Okay, and so what you are essentially 19 saying here is that by entering this comment into the CAD, 20 the comment, "Investigators could not respond because they 21 had a fantasy football meeting," that Mr. Dunn had 22 violated the code of conduct of the sheriff's office? Is 23 that what you are saying?</p> <p>24 A. No, the purpose of it was him putting on</p>

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<p>1 there a derogatory remark about the investigators being at</p> <p>2 a fantasy football meeting. You know, that was more</p> <p>3 important than them coming to work.</p> <p>4 Q. Right, and Mr. Dunn didn't use the words</p> <p>5 "more important," though, did he?</p> <p>6 A. No, he didn't.</p> <p>7 Q. Okay, and he -- and you say derogatory, but</p> <p>8 he didn't use any adjectives or adverbs; he didn't --</p> <p>9 wouldn't it be fair to say, a fair statement, that he just</p> <p>10 wrote that facts in there? I mean, how is that fact</p> <p>11 derogatory?</p> <p>12 A. Well, it didn't need to be in there, and it</p> <p>13 was very unprofessional.</p> <p>14 Q. And isn't it the job of a police officer or</p> <p>15 a law enforcement official to record all of the facts as</p> <p>16 they occur during the investigation into the CAD?</p> <p>17 A. That didn't have anything to do with the</p> <p>18 investigation.</p> <p>19 Q. Wasn't he attempting to try to procure the</p> <p>20 services of these other law enforcement officials to</p> <p>21 assist with the collection of evidence?</p> <p>22 MR. GUYNN: I will object to what he was</p> <p>23 doing. Go ahead.</p> <p>24 THE WITNESS: He was already there. The</p>	<p>1 person that was intoxicated and being videoed.</p> <p>2 Q. Okay. So are you saying that you wrote up</p> <p>3 somebody, an employee?</p> <p>4 A. Yes.</p> <p>5 Q. Who had been videoed being intoxicated and</p> <p>6 it was posted on line, and you felt that that was conduct</p> <p>7 not appropriate and unprofessional; is that what you are</p> <p>8 saying?</p> <p>9 A. Yes, sir.</p> <p>10 Q. So that person was written up for a</p> <p>11 violation of General Order 23, Section C; is that right?</p> <p>12 A. Yes.</p> <p>13 Q. And that person, is there a record of that</p> <p>14 in their personnel file?</p> <p>15 A. There is.</p> <p>16 Q. And who is that person?</p> <p>17 A. I don't discuss personnel issues.</p> <p>18 Q. Well, you are under Oath by subpoena to</p> <p>19 talk to me, regard let of whether it is personnel or not.</p> <p>20 A. Can I do that?</p> <p>21 MR. GUYNN: Have we entered into the</p> <p>22 Protective Order yet?</p> <p>23 MR. STRELKA: Not yet. Can we go off the</p> <p>24 Record?</p>
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<p>1 investigator had already been there and collected</p> <p>2 the evidence and did the photographs.</p> <p>3 BY MR. STRELKA:</p> <p>4 Q. Right, and do you recall Mr. Dunn's</p> <p>5 position, that there was additional evidence? Remember we</p> <p>6 talked about a second set of tire tracks, a footprint in a</p> <p>7 door, and he indicated that that was the reason why he had</p> <p>8 put that in there, so my question is -- well, let me</p> <p>9 strike that. Have you ever found any other employee of</p> <p>10 the sheriff's office to have violated General Order 23,</p> <p>11 Section C?</p> <p>12 A. I have.</p> <p>13 Q. Can you give me an example of those other</p> <p>14 violations that someone else did when they violated the</p> <p>15 order, that order?</p> <p>16 A. Just being unprofessional.</p> <p>17 Q. Okay. And can you give me an example?</p> <p>18 A. Alcohol.</p> <p>19 Q. Like drinking on the job?</p> <p>20 A. No, no, it wasn't drinking on the job.</p> <p>21 Q. Okay. But what -- what is the alcohol?</p> <p>22 What happened with the alcohol?</p> <p>23 A. You know, being at a party with Facebook</p> <p>24 and things like that, being involved, you know, with a</p>	<p>1 (Discussion off the Record.)</p> <p>2 BY MR. STRELKA:</p> <p>3 Q. Back on the Record, all right, you gave</p> <p>4 that example of when an employee was deemed to have</p> <p>5 violated that General Order 23. Do you recall any other</p> <p>6 behavior that any other deputy, you know, executed or</p> <p>7 indicated in which they were in violation of General Order</p> <p>8 23, Section C?</p> <p>9 A. I know that I have done this before, but my</p> <p>10 mind -- I did. I terminated a deputy one time. He was</p> <p>11 involved in an automobile accident and he had a BAC well</p> <p>12 over the legal limit.</p> <p>13 Q. Okay.</p> <p>14 A. And he was terminated.</p> <p>15 Q. All right. Who was it that was alleged to</p> <p>16 have been at a fantasy football game?</p> <p>17 A. Mason Boggess.</p> <p>18 Q. Do you know if he was?</p> <p>19 A. No. I don't even know what a fantasy</p> <p>20 football meeting is.</p> <p>21 Q. Did you ever ask him about it?</p> <p>22 A. I did.</p> <p>23 Q. And what did he say?</p> <p>24 A. I don't remember what he said. I think he</p>



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<p>1 said that he was, or was going or something.</p> <p>2 Q. Okay.</p> <p>3 A. Or was already there.</p> <p>4 Q. And so you don't take any issue with this</p> <p>5 statement being a lie, do you, the fantasy football</p> <p>6 meeting? The fact that Mr. Dunn wrote it, you think that</p> <p>7 it's unprofessional, from my perspective; that is what you</p> <p>8 testified, right?</p> <p>9 A. Yes, it is.</p> <p>10 Q. But do you think the statement is</p> <p>11 untruthful?</p> <p>12 A. I don't know. I don't know if it is or</p> <p>13 not.</p> <p>14 Q. Okay. But you testified that you did talk</p> <p>15 to Mason Boggess and -- am I saying that right?</p> <p>16 A. "Boggess."</p> <p>17 Q. Okay, and he did indicate that he was going</p> <p>18 to a meeting or had gone to a meeting or something along</p> <p>19 those lines?</p> <p>20 A. He did.</p> <p>21 Q. Okay, so --</p> <p>22 A. But he didn't tell me where he was exactly,</p> <p>23 but he said that he did have some plans and he couldn't</p> <p>24 get there right then.</p>	<p>1 circumstances, Mr. Dunn is indicating that there was</p> <p>2 additional evidence that was not collected, so wasn't --</p> <p>3 wouldn't Mason Boggess be violating his duties by not</p> <p>4 going back out there?</p> <p>5 A. If there was something there, yes.</p> <p>6 Q. Was Mason Boggess ever written up?</p> <p>7 A. No.</p> <p>8 Q. Did it make you mad when he put that in</p> <p>9 there?</p> <p>10 A. It did; it disappointed me.</p> <p>11 Q. Why is that?</p> <p>12 A. To see somebody put something on a computer</p> <p>13 system that you think cannot be taken off.</p> <p>14 Q. Okay.</p> <p>15 A. I've been involved in cases before where</p> <p>16 you don't know where these things are going to end up.</p> <p>17 You don't know if they are going to be at the prosecutor's</p> <p>18 office or the defense attorney's office or the Court of</p> <p>19 Appeals for the state Supreme Court or wherever.</p> <p>20 Q. Okay. So is it your practice and procedure</p> <p>21 to go back and amend and edit records so that your cases</p> <p>22 aren't appealed?</p> <p>23 A. No.</p> <p>24 Q. But you did that here?</p>
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<p>1 Q. Right, the comment written by Mr. Dunn</p> <p>2 didn't say exactly where he was either, though, did it?</p> <p>3 A. No.</p> <p>4 Q. Does Mason Boggess have any sort of special</p> <p>5 duties at the Giles County sheriff's office in relation to</p> <p>6 the collection of evidence at a crime scene?</p> <p>7 A. He does.</p> <p>8 Q. And what are those duties?</p> <p>9 A. He is our forensics evidence tech.</p> <p>10 Q. Do you have another forensics evidence</p> <p>11 tech?</p> <p>12 A. No, not now.</p> <p>13 Q. At the time that this occurred, would you</p> <p>14 have -- was Mason Boggess considered to be on call when</p> <p>15 needed?</p> <p>16 A. They are all on call, yes.</p> <p>17 Q. Okay. And so if an officer is requesting</p> <p>18 the forensic specialist deputy to appear on a scene, it's</p> <p>19 the job of Mason Boggess to get out to the scene, isn't</p> <p>20 it?</p> <p>21 A. Yes, but he was already there.</p> <p>22 Q. He had been there earlier?</p> <p>23 A. Yes, he was there earlier.</p> <p>24 Q. Right, and -- but under these</p>	<p>1 A. I did it on one, yes. I did; I took that</p> <p>2 off.</p> <p>3 Q. All right.</p> <p>4 A. Because it was unprofessional.</p> <p>5 Q. Do you know a Deputy Hahnlen?</p> <p>6 A. Yes.</p> <p>7 Q. Do you know if she was present at that</p> <p>8 crime scene on that day?</p> <p>9 A. I do.</p> <p>10 Q. And do you know if she had indicated to</p> <p>11 Scott Dunn that Mason Boggess had missed evidence?</p> <p>12 A. No.</p> <p>13 Q. Do you ever recall any discussion with</p> <p>14 Deputy Hahnlen about these events?</p> <p>15 A. No, sir.</p> <p>16 Q. All right.</p> <p>17 A. I had some others that talked to her.</p> <p>18 Q. Let's go to the next page, 5.</p> <p>19 A. Okay.</p> <p>20 Q. Did you write this?</p> <p>21 A. Let me see. I did.</p> <p>22 Q. And you wrote this, it said on September</p> <p>23 29th and the date on this is October 1, so you wrote this</p> <p>24 in response to the phone call that you got from Major</p>

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1	Falls; is that correct?	1	A. No.
2	A. Yes, that's right.	2	Q. Have you discussed that with any member of
3	Q. Why was -- why was this document written?	3	the Board since?
4	This is -- you wanted to place this in Dunn's personnel	4	A. I have.
5	file; is that right?	5	Q. And who did you discuss it with?
6	A. Yes.	6	A. I discussed with Barbara Hobbs.
7	Q. Okay, for what purpose?	7	Q. And what did she say?
8	A. Well, Number One, he goes to my chief	8	A. And Chris McKlarney.
9	deputy's house after he's demoted, and he told me, he said	9	Q. And what did he say?
10	that Scott Dunn just left his house in Eggleston after	10	A. They didn't know anything about that at the
11	being ordered off his property. I asked him why, and he	11	time.
12	said Scott had been to his home and he told him that he	12	Q. Okay. Are you aware -- are you aware of
13	wanted to talk to him, and when Scott got out of his	13	any topics that were discussed that are not included in
14	vehicle, the first thing that came out of his mouth is	14	this letter between Mr. Falls and Mr. Dunn?
15	"Things are going to get bad between me and Morgan."	15	A. No.
16	Mike said he looked at him and asked him what he was	16	Q. Are you aware of whether or not these
17	talking about, and he said the Board of Supervisors are	17	gentlemen shouted at each other or whether anyone shouted
18	pissed, they had a special meeting, and the Board is going	18	at each other?
19	to ask the Attorney General to investigate the Giles	19	A. Oh, I'm sure they did.
20	County sheriff's office.	20	Q. So did you consider this entire scene with
21	Q. Do you mind if I stop you right there? Did	21	Scott Dunn and Mike Falls to be a deviation of policy on
22	you ever have any conversation with Scott Dunn about that	22	behalf of Scott Dunn, and by "policy," I mean shares
23	information, about the Board asking the Attorney General's	23	policy?
24	office to investigate the sheriff's office?	24	A. Yes.
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1	A. No.	1	Q. How so; what did he do wrong here?
2	Q. Did you ever have any discussion with any	2	A. Well, he goes to a supervisor's house, my
3	Board member about that topic?	3	second in command, and he threatens me, threatens the
4	A. No.	4	sheriff's office in the capacity of a deputy sheriff, and
5	Q. Did you ever hear about that other than	5	also spouting off things that the Board of Supervisors are
6	this incident?	6	doing.
7	A. I've asked about it.	7	Q. Okay, so Mike Falls would have been
8	Q. Okay, who did you ask?	8	obviously Mr. Dunn's supervisor; is that right?
9	A. I asked Barbara Hobbs, I've asked Chris	9	A. Yes.
10	McKlarney.	10	Q. And earlier we talked about if somebody had
11	Q. And what did they say?	11	a complaint about how things were done, you said that they
12	A. No.	12	could go to their supervisor; is that right?
13	Q. And did they -- did they ever indicate	13	A. Yes.
14	whether Mr. Dunn had asked the Board to do that?	14	Q. And how is this not in line with what you
15	A. No.	15	just said earlier today? How is Scott Dunn not just
16	Q. Okay, and then the next paragraph, it goes	16	bringing something, a complaint to a supervisor?
17	into, it says, "Scott Dunn stated the sheriff's office was	17	A. That is not a complaint; that is a threat.
18	guilty of a number of things," all right, and let's move	18	Q. "Things are going to get bad between me and
19	beyond that. He said he also says the Board of	19	Morgan;" is that what you are talking about as a threat?
20	Supervisors were going to cut positions at the sheriff's	20	A. No.
21	office and cut salaries. Did you ever have a discussion	21	Q. Where is the threat?
22	with Scott Dunn about that specific issues?	22	A. The Board of Supervisors, and they had a
23	A. No.	23	special meeting yesterday on the 28th, the Board is going
24	Q. Had you ever heard about that before?	24	to ask the Attorney General to investigate the Giles

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<p>1 County sheriff's office, and Dunn is stating the sheriff's</p> <p>2 office is misappropriating of funds and embezzlement and</p> <p>3 other things. He also said that the Board is going to cut</p> <p>4 positions at the office and cut salaries.</p> <p>5 Q. Okay, but when you are saying that the</p> <p>6 threatening language is, what, like "The Board of</p> <p>7 Supervisors is going to cut positions at the sheriff's</p> <p>8 office"? Just tell me what the threat is, specifically,</p> <p>9 if you could.</p> <p>10 A. Well, he comes out of his vehicle in</p> <p>11 uniform working and saying, things are going to get bad</p> <p>12 between me and Morgan. That sets the tone for it right</p> <p>13 there. Then once he said things are going to get bad and</p> <p>14 the Board of Supervisors are, as he said, pissed, and the</p> <p>15 Attorney General is going to be brought in to investigate</p> <p>16 the sheriff's office, and the sheriff's office has been</p> <p>17 guilty of misappropriation of funds, embezzlement, and</p> <p>18 other things, and they are going to cut positions.</p> <p>19 Q. Let's go to the next page. All right, did</p> <p>20 you write this, Number 6, dated September 27, 2013?</p> <p>21 A. I did.</p> <p>22 Q. All right, and this is just memorializing</p> <p>23 your decision to demote Scott Dunn?</p> <p>24 A. It is.</p>	<p>1 Q. Okay.</p> <p>2 A. That is in uniform.</p> <p>3 Q. Okay. And at this time, August 27th, Mr.</p> <p>4 Dunn was a lieutenant at that time; is that right?</p> <p>5 A. Yes.</p> <p>6 Q. And so he would have the authority to</p> <p>7 direct others such as a deputy to perform work; isn't that</p> <p>8 right?</p> <p>9 A. Yes, that is true.</p> <p>10 Q. So wouldn't he have the authority to make</p> <p>11 this decision for that -- that this call be given to a</p> <p>12 deputy?</p> <p>13 A. When the others are busy, you don't say, I</p> <p>14 don't work the road.</p> <p>15 Q. Would you agree with me that this letter</p> <p>16 has absolutely no information about the others being busy?</p> <p>17 A. It probably doesn't.</p> <p>18 Q. When did you write this?</p> <p>19 A. August 27th.</p> <p>20 Q. And did you write this other letter,</p> <p>21 previous Bates labeled 7, labeled 6, on September 27th?</p> <p>22 The date that I mentioned was September 27, 2013. Is that</p> <p>23 when you said that you wrote this?</p> <p>24 A. This one here, yes.</p>
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<p>1 Q. Okay. Let's move on. August 27, 2013, did</p> <p>2 you write he this letter?</p> <p>3 A. I did.</p> <p>4 Q. And I will refer for the Record's purpose</p> <p>5 that this is Bates labeled 7. I believe you testified</p> <p>6 earlier about this situation, didn't you?</p> <p>7 A. I don't know.</p> <p>8 Q. I think that you said about how he said</p> <p>9 that he didn't want to go out there on the road?</p> <p>10 A. Yes.</p> <p>11 Q. And I think you said something along the</p> <p>12 lines of it's everybody's -- every deputy's duty to do the</p> <p>13 work, and I'm paraphrasing.</p> <p>14 A. That's right.</p> <p>15 Q. Why -- is there such a thing called a road</p> <p>16 deputy at the sheriff's office?</p> <p>17 A. There is.</p> <p>18 Q. What is a road deputy; how is that deputy</p> <p>19 different?</p> <p>20 A. You have a road deputy and you have an</p> <p>21 investigator and you have court security.</p> <p>22 Q. And what is --</p> <p>23 A. A road deputy is somebody that wears a</p> <p>24 uniform and works the road every day.</p>	<p>1 Q. Okay. Okay. Let's look at the next one,</p> <p>2 Number 8. It's got a date of September 12, 2013.</p> <p>3 A. They are not in order?</p> <p>4 Q. No, sir, I am sorry about that. I'm going</p> <p>5 by the order in which they were produced to me, the 1, 2,</p> <p>6 3, 4, 5, 6, 7, 8, sort of thing.</p> <p>7 A. Okay.</p> <p>8 Q. Is that your signature?</p> <p>9 A. It is.</p> <p>10 Q. Do you recall writing this letter?</p> <p>11 A. I did.</p> <p>12 Q. And --</p> <p>13 A. We just went over that.</p> <p>14 Q. Yes, this looks like a duplicate.</p> <p>15 A. That is the -- let's see here. That is a</p> <p>16 duplicate.</p> <p>17 Q. Yes, it is, okay. All right, then we will</p> <p>18 just pass through Number 8 and move on to Number 9.</p> <p>19 A. Okay, wait a minute here.</p> <p>20 Q. And I will let you know, the document --</p> <p>21 the letter for Number 9 goes on to Number 10, so Page 9</p> <p>22 and ten.</p> <p>23 A. Okay.</p> <p>24 Q. Is that your signature on Page 10?</p>

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<p>1 A. Yes, it is.</p> <p>2 Q. All right. And the date of this document</p> <p>3 is September 9, 2013. Do you recall writing this?</p> <p>4 A. Yes.</p> <p>5 Q. Did you write it on that date?</p> <p>6 A. Yes, yes, probably, I guess, because it</p> <p>7 is -- yes.</p> <p>8 Q. And after you review the letter, I</p> <p>9 basically want you to tell me what it is that Dunn did</p> <p>10 wrong.</p> <p>11 A. This is a case where he was dispatched with</p> <p>12 some others on Lebanon Road in Pembroke. He -- he got a</p> <p>13 Bailey boy and a stepson of John Collins and Scott got the</p> <p>14 confession about this gun, and Bailey was a convicted</p> <p>15 felon, and he was told to get a warrant, and --</p> <p>16 Q. Scott Dunn was told to get a warrant?</p> <p>17 A. Scott Dunn was told to get a warrant and he</p> <p>18 never did.</p> <p>19 Q. Do you know why?</p> <p>20 A. No.</p> <p>21 Q. All right.</p> <p>22 A. He was -- he was told to get a warrant by</p> <p>23 Eric Thwaites because he was the one -- I mean, he did all</p> <p>24 the hard part here on this case.</p>	<p>1 don't know why you don't get the warrant.</p> <p>2 Q. Well, I'm sure that you had a discussion</p> <p>3 with Scott Dunn about this issue, or maybe you didn't?</p> <p>4 A. I don't know.</p> <p>5 Q. Do you, sitting here now, do you recall any</p> <p>6 of Scott Dunn's, you know, rebuttal to this, his two cents</p> <p>7 on this whole situation?</p> <p>8 A. No.</p> <p>9 Q. Was there any -- were there any</p> <p>10 difficulties in, other than this issue with the warrant,</p> <p>11 prosecuting this Bailey mentioned here?</p> <p>12 A. No, I think that this was the one that</p> <p>13 Chad -- I'm not -- don't quote me on this, but I think</p> <p>14 that this is the one that Chad Tickle ended up finishing,</p> <p>15 taking before a grand jury and getting a conviction on.</p> <p>16 Q. That is because Mr. Dunn was no longer</p> <p>17 working there?</p> <p>18 A. Yes.</p> <p>19 Q. So --</p> <p>20 A. I'm thinking now this is the one. I'm</p> <p>21 really not sure.</p> <p>22 Q. Okay. We'll go back to that in a little</p> <p>23 bit. Let's go to Number 11. This is dated July 27th,</p> <p>24 2013. I'd like you to take a moment to read this and let</p>
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<p>1 Q. Hmm-hmm.</p> <p>2 A. He just didn't get any charges on it. He</p> <p>3 said, it's not my job.</p> <p>4 Q. And are you aware of whether or not Mr.</p> <p>5 Dunn ever requested any other law enforcement official to</p> <p>6 go and collect some of the evidence that had been, you</p> <p>7 know, scattered here? You know, he was talking about</p> <p>8 evidence being in pawn shops, this property. Did you ever</p> <p>9 have -- were you aware that Scott Dunn had ever requested</p> <p>10 that?</p> <p>11 A. I don't know, but I think that there was a</p> <p>12 case or two where some of the pawn shops got some of the</p> <p>13 stuff in West Virginia.</p> <p>14 Q. Okay.</p> <p>15 A. I believe. I'm not sure.</p> <p>16 Q. All right, and is it -- is it proper</p> <p>17 procedure to obtain a warrant prior to the collection of</p> <p>18 the stolen property if you know where it is?</p> <p>19 A. If you know where -- if you don't know</p> <p>20 where it's at?</p> <p>21 Q. Hmm-hmm, no, if you do know where it is.</p> <p>22 A. Well, you go get it.</p> <p>23 Q. Okay, do you know --</p> <p>24 A. And when -- I mean, once you get it, I</p>	<p>1 me know if that is your signature.</p> <p>2 A. It is.</p> <p>3 Q. So do you recall writing this?</p> <p>4 A. I do.</p> <p>5 Q. So what happened here?</p> <p>6 A. I come into work the next morning, after --</p> <p>7 I think that it was on the 27th of July, there was an</p> <p>8 email sent to me from Jackie Martin.</p> <p>9 Q. Who is Jackie Martin?</p> <p>10 A. He is the chief of police in Pearisburg.</p> <p>11 Q. Okay.</p> <p>12 A. He said that -- well, you should have a</p> <p>13 copy of that.</p> <p>14 Q. I can read this letter, but --</p> <p>15 A. That stated that Scott had caused some</p> <p>16 controversy with the Pearisburg Police Department.</p> <p>17 Q. This was about capability of the radios?</p> <p>18 A. Yes.</p> <p>19 Q. Whether all of the radios could work</p> <p>20 together or not, something along those lines?</p> <p>21 A. Yes.</p> <p>22 Q. And why was it a violation of policy for</p> <p>23 Scott Dunn to have that discussion with Chad Journell of</p> <p>24 the Pearisburg Police Department?</p>

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<p>1 A. Well, it is not that he had a discussion 2 with them; it's when he told them, if they get that radio 3 system, they are going to have to hire their own 4 dispatchers. 5 Q. And why was that a violation of policy? 6 A. Well, he was speaking for me. 7 Q. Okay. 8 A. The sheriff. 9 Q. Now, are you saying that you believe that 10 Officer Dunn was speaking as if he had your authority but 11 he didn't? 12 A. I don't know what he was speaking as. 13 Q. Okay. 14 A. But he was speaking to them as a Board 15 member, and he said that if they go with this type of 16 radio, I don't know if it was Kenwood, Motorola, or 17 whatever, but he did tell them, you know, if they did 18 that, they were going to have to hire their own 19 dispatchers, and, you know, it's not up to us to tell them 20 what they can or cannot purchase. 21 Q. Okay. 22 A. And -- 23 Q. Okay, so this one paragraph here, 24 "Lieutenant Scott Dunn, you are a member of the Giles</p>	<p>1 A. I'm going to say yes, because we haven't 2 bought any new radios. 3 Q. Okay. Do you know if the Pearisburg Police 4 Department ultimately purchased the radios that Mr. Dunn 5 had recommended? 6 A. I have no idea. 7 Q. All right, let's go to the next page, still 8 on that same issue, do you recall receiving this email 9 from Jackie Martin? 10 A. Yes. 11 Q. And is this about that radio? 12 A. Hmm-hmm. 13 Q. Is that a yes? 14 A. Yes, it is, yes, I'm sorry. 15 Q. That is all right. And did you -- do you 16 recall sending that email back up top, "I just received 17 your email, you and I need to get together this morning." 18 A. Yes. 19 Q. And did you get together with him? 20 A. I think we did, yes. 21 Q. And was that over the phone or in person? 22 A. I think that we talked in person. 23 Q. You talked about this event? 24 A. We did.</p>
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<p>1 County Board of Supervisors and an employee of the Giles 2 County sheriff's office. We've discussed this before, 3 Lieutenant Dunn, you are at no time to speak for me in the 4 capacity of a Board of Supervisors member," so at what 5 other times has there been an issue about this? 6 A. I'm not sure. 7 Q. Sitting here today, you can't recall any 8 others? 9 A. No, I can't. 10 Q. You don't recall the incident but do you 11 recall having discussions with Mr. Dunn about this before, 12 as it says so in the letter? 13 A. I don't know. I know that we had a 14 discussion before he decided to run for Board of 15 Supervisors. 16 Q. Sure. What makes you think that Mr. Dunn 17 was speaking at this time to Chad Journell in his capacity 18 as a Board of Supervisors member? 19 A. Well, he told him, he said, you know, we're 20 buying a new radio system, and you all will not be 21 compatible to ours. I forget now the correct terminology 22 that he used. 23 Q. From your perspective, was Mr. Dunn being 24 less than truthful?</p>	<p>1 Q. Did you know about this conversation at all 2 until you had been notified by Jackie Martin? 3 A. No. 4 Q. So Chad Journell never notified you? 5 A. No. 6 Q. Okay, the bottom, it says, before Jackie 7 signs his name there, he says, "Don't come to my home 8 asking for my support in the upcoming election. You will 9 not get it. He is killing you, Morgan, and you are 10 allowing it to continue." I guess that he is referring to 11 Scott Dunn? 12 A. I think so. 13 Q. Did you ever have any discussion with Mr. 14 Martin about why he would say that? 15 A. Well, it was evident. 16 Q. How so? 17 A. They didn't like one another. 18 Q. Martin and Dunn? 19 A. No. 20 Q. Why? 21 A. They just didn't. 22 Q. All right. 23 A. It was like oil or vinegar, or oil and 24 water, yes.</p>

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<p>1 Q. All right. So there have been some sparks 2 or tension between these two before, is what you are 3 saying? 4 A. Yes. 5 Q. Okay. Do you recall any particular issue 6 that had been brought up between the two of them before, 7 not these radios but some other issues? 8 A. There was something a year or so before; I 9 don't know, something about a radio system or something, 10 but I don't exactly remember what it was. 11 Q. Okay. 12 A. You would have to ask him about that. 13 Q. All right. So let's go -- let's go to Page 14 13, and we're going backwards in history here, so now 15 we're at March 15, 2013. Do you recall writing this? 16 A. I do. 17 Q. And did you write it on March 15, 2013? 18 A. I think so. 19 Q. And earlier, you had mentioned an issue 20 regarding Mr. Dunn not getting his summonses in time? 21 A. Yes. 22 Q. And is this one of those, does that note or 23 letter refer to that? 24 A. This is one of those, yes.</p>	<p>1 need to be there? 2 A. Do what. 3 Q. Nothing, just skip 15, please, and go to 4 16. Now, this is in April, April 6, 2009. Do you recall 5 receiving this letter from lieutenant Thomas Gautier 6 regarding Scott Dunn? 7 A. I do, but -- would that have been Bo or 8 Carson? 9 Q. It says Bo here. 10 A. Did we have Bo in 2009? 11 Q. You can't ask him any questions, and if you 12 don't know, that is the answer. 13 A. I don't know. I remember getting it, but I 14 don't remember the dog's name. 15 Q. You have no reason to doubt the 16 truthfulness of this document? 17 A. No, but I remember the Slusher. 18 Q. Sure. 19 THE WITNESS: Can we take a quick rest room 20 break? Could we go off the Record for just a 21 minute? 22 MR. STRELKA: Yes. 23 (A recess was taken.) 24 BY MR. STRELKA:</p>
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<p>1 Q. And the bottom there, you say, "You are an 2 excellent deputy and you represent our department well and 3 you do excellent work." I'm assuming that on March 15, 4 2013, that is a statement that you believed to be 5 truthful? 6 A. Yes. 7 Q. At some point, though, is it fair to say 8 that you felt that that statement was no longer true with 9 regard to Mr. Dunn? 10 A. That is exactly right. 11 Q. Okay. But at this time, as of March 15, 12 2013, other than this issue, would you say that he was 13 doing his job okay? 14 A. He was doing his job pretty good. 15 Q. Okay. Now we're jumping around. Next up 16 is 14; this is July 2, 2012. This is another issue with 17 summonses; is that right? 18 A. Yes. 19 Q. Have you ever written up anyone else for 20 this type of thing? 21 A. I don't know. 22 Q. Okay. But you do recall writing this? 23 A. I do. 24 Q. All right. I will say that 15 does not</p>	<p>1 Q. Are you ready? 2 A. I am. 3 MR. STRELKA: All right. I'd like this to 4 be marked as Exhibit Number 28. 5 6 (The above-mentioned document was marked as 7 Deposition Exhibit Number 28 and entered into the 8 Deposition.) 9 10 BY MR. STRELKA: 11 Q. Have you ever seen this document before? 12 A. I have. 13 Q. What are you looking at? 14 A. This is something from Dave Hunt and 15 Greenbrier Contract Services for the employee payment for 16 the dog pound. 17 Q. And is this for payment of Chastity 18 Perkins; is that right? 19 A. Yes, huh-huh. 20 Q. Okay, and you see there looks to be a stamp 21 in the middle of the page that appears to have your 22 signature in there? 23 A. Yes, sir. 24 Q. And do you apply that stamp; do you put</p>

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<p>1 that stamp on there?</p> <p>2 A. This stamp here (indicating)?</p> <p>3 Q. Yes, sir.</p> <p>4 A. No, my secretary does that.</p> <p>5 Q. Okay, so it is done at your office?</p> <p>6 A. It is, and it is her signature above.</p> <p>7 Q. Okay, and the other writing there, for</p> <p>8 instance, the 100, what is Fund 100; what does that mean?</p> <p>9 A. I have no idea.</p> <p>10 Q. Is she writing this?</p> <p>11 A. I guess that she is.</p> <p>12 Q. Okay, what is her name?</p> <p>13 A. Kelly McCroskey.</p> <p>14 Q. Okay, that is right, okay, and I will</p> <p>15 represent to you that we got a whole bunch of these</p> <p>16 invoices --</p> <p>17 A. You probably did.</p> <p>18 Q. -- okay, and I didn't want to print out a</p> <p>19 bizillion invoices --</p> <p>20 A. Thank you.</p> <p>21 Q. -- but I will represent to you that all of</p> <p>22 the invoices indicate that, do you see where it says next</p> <p>23 to her name, 184 regular hours at the rate of \$9.06; do</p> <p>24 you see that?</p>	<p>1 (The above-mentioned document was marked as</p> <p>2 Deposition Exhibit Number 29 and entered into the</p> <p>3 Deposition.)</p> <p>4</p> <p>5 BY MR. STRELKA:</p> <p>6 Q. All right. I will represent to you that I</p> <p>7 asked for, in the course of this case, an accounting of</p> <p>8 adoption fees received and related reimbursements</p> <p>9 regarding the animal shelter, and this is what was</p> <p>10 produced.</p> <p>11 A. Okay.</p> <p>12 Q. Have you ever seen this before?</p> <p>13 A. No.</p> <p>14 Q. Do you know -- do you know who -- you've</p> <p>15 never seen this before, but do you know who produced this?</p> <p>16 A. No, but I'm sure it's probably the</p> <p>17 treasurer's office.</p> <p>18 Q. Okay.</p> <p>19 MR. GUYNN: Well, if you don't know, how</p> <p>20 are you sure?</p> <p>21 THE WITNESS: Well, I don't know. I guess</p> <p>22 that it is the treasurer's office.</p> <p>23 MR. STRELKA: But you don't know?</p> <p>24 MR. GUYNN: Just out of curiosity.</p>
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<p>1 A. Yes.</p> <p>2 Q. And I will represent to you that all of the</p> <p>3 ones that I've seen say the exact same thing, 184 hours,</p> <p>4 \$9.06?</p> <p>5 A. Okay.</p> <p>6 Q. Is that -- would you -- would you agree</p> <p>7 that that -- is that your understanding of the invoices</p> <p>8 or --</p> <p>9 A. It is.</p> <p>10 Q. Okay.</p> <p>11 A. I think that -- I think that they pay her</p> <p>12 \$7 point something an hour, and Dave Hunt gets charged \$9</p> <p>13 and something an hour.</p> <p>14 Q. Okay.</p> <p>15 A. If that is --</p> <p>16 Q. Okay.</p> <p>17 A. I don't know that to be true or not.</p> <p>18 Q. Right. Okay.</p> <p>19 A. I think that is -- I think that that is</p> <p>20 insurance and things like that.</p> <p>21 MR. STRELKA: Okay. All right. I would</p> <p>22 like the following document to be labeled as</p> <p>23 Exhibit Number 29.</p> <p>24</p>	<p>1 THE WITNESS: Okay.</p> <p>2 BY MR. STRELKA:</p> <p>3 Q. So you are not in a position right now to</p> <p>4 be able to tell me what all of these numbers are?</p> <p>5 A. No, I'm not.</p> <p>6 Q. Okay. I know that you don't know for sure,</p> <p>7 okay, because you've never seen it, and I'm not holding</p> <p>8 you to the knowledge that you do now --</p> <p>9 A. Okay.</p> <p>10 Q. -- but if I was going to go around asking,</p> <p>11 hey, man, what does this mean; what do these numbers mean,</p> <p>12 who would you think would be a good person to ask?</p> <p>13 A. I would start with Rhonda Tickle.</p> <p>14 Q. What is her title?</p> <p>15 A. She is the County bookkeeper, and if she</p> <p>16 doesn't know, she can direct you to who does.</p> <p>17 Q. Okay, fair enough. All right.</p> <p>18 A. Are we finished with this one?</p> <p>19 Q. Yes, sir. Also, while I'm at it, I was</p> <p>20 given a big section of the County budget. Who would be</p> <p>21 the person to talk to if I wanted to --</p> <p>22 A. Rhonda Tickle.</p> <p>23 Q. Okay.</p> <p>24 MR. GUYNN: I will tell you, she is the one</p>

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<p>1           that gave us all of the documents. We didn't have</p> <p>2           it.</p> <p>3                   THE WITNESS: I will give you her telephone</p> <p>4           number shortly.</p> <p>5 BY MR. STRELKA:</p> <p>6           Q.     And she works for the County?</p> <p>7           A.     She does.</p> <p>8                   MR. GUYNN: Yes.</p> <p>9                   MR. STRELKA: Okay. All right. I'd like</p> <p>10          this to be Exhibit Number 30.</p> <p>11</p> <p>12                   (The above-mentioned document was marked as</p> <p>13          Deposition Exhibit Number 30 and entered into the</p> <p>14          Deposition.)</p> <p>15</p> <p>16 BY MR. STRELKA:</p> <p>17          Q.     Right, have you ever seen this before?</p> <p>18          A.     No, sir.</p> <p>19          Q.     This was not in place at the time that you</p> <p>20          were in the shelter, was it?</p> <p>21          A.     I don't think so.</p> <p>22          Q.     All right. Did you have at the time that</p> <p>23          the sheriff's office managed the shelter a standard</p> <p>24          operating procedure for the shelter?</p>	<p>1           Q.     I believe that they were incorporated into</p> <p>2          the Department of Agriculture's report, but did you have</p> <p>3          any discussion about those photos with anyone on the</p> <p>4          Board?</p> <p>5           A.     I don't know; I don't think so. Maybe with</p> <p>6          Mr. McKlarney.</p> <p>7           Q.     Okay. Okay. I would like to show you a</p> <p>8          document that was previously labeled as Exhibit Number 1</p> <p>9          in your deposition, okay?</p> <p>10          A.     Okay.</p> <p>11          Q.     Excuse me, Mr. Dunn's deposition; today is</p> <p>12          your deposition. I'm sorry, I misspoke.</p> <p>13          A.     Okay.</p> <p>14          Q.     Do you recognize that?</p> <p>15          A.     I do.</p> <p>16          Q.     Okay, and is that the CAD entry before it</p> <p>17          was altered by you that Mr. Dunn made?</p> <p>18          A.     Yes.</p> <p>19          Q.     Okay. And so that is the one that</p> <p>20          incorporates the comment regarding fantasy football?</p> <p>21          A.     Yes.</p> <p>22          Q.     Did you ever discuss any of the other</p> <p>23          matters contained within this report, and I'm not talking</p> <p>24          about the fantasy football; I'm talking about the other</p>
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<p>1           A.     No.</p> <p>2           Q.     So this -- so there were no written</p> <p>3          procedures for the shelter prior to the County taking over</p> <p>4          the shelter?</p> <p>5           A.     No.</p> <p>6                   MR. GUYNN: I think the answer is correct.</p> <p>7 BY MR. STRELKA:</p> <p>8           Q.     My understanding of your last answer --</p> <p>9                   MR. GUYNN: You said that there were no</p> <p>10          written procedures in place, and he said no.</p> <p>11                  MR. STRELKA: Meaning that there were?</p> <p>12                  MR. GUYNN: I think that he means correct,</p> <p>13          but you get a double negative when you read it.</p> <p>14 BY MR. STRELKA:</p> <p>15          Q.     My understanding was that -- let us do it</p> <p>16          this way. Is this a truthful statement, okay, when the</p> <p>17          sheriff's office was managing the shelter, there was no</p> <p>18          operating procedure or manual in place?</p> <p>19          A.     Correct.</p> <p>20          Q.     Okay. In the course of your job as</p> <p>21          sheriff, when these issues in 2013 came up regarding the</p> <p>22          animal shelter, were you ever presented or shown</p> <p>23          photographs of the animals at the shelter?</p> <p>24          A.     I think I was, yes.</p>	<p>1          facts that are contained within this narrative with</p> <p>2          Officer Dunn?</p> <p>3           A.     No.</p> <p>4           Q.     Okay.</p> <p>5           A.     I don't think so.</p> <p>6           Q.     Okay. All right. Let's look at what was</p> <p>7          previously labeled, and I will take this one back because</p> <p>8          these were already entered, Exhibit Number 2.</p> <p>9           A.     Okay.</p> <p>10          Q.     Do you recognize that?</p> <p>11          A.     This is the same thing, basically.</p> <p>12          Q.     Is that a -- could I see that. I have it</p> <p>13          right here.</p> <p>14          A.     Here is the IBR.</p> <p>15          Q.     Okay, let me see what I gave you. Sorry.</p> <p>16          I meant to give you Exhibit Number 3; that is what I meant</p> <p>17          to do. Okay, here is just Exhibit Number 3. That is what</p> <p>18          I want to show you. I'm sorry about that.</p> <p>19          A.     Okay.</p> <p>20          Q.     Okay, so do you recognize this Exhibit</p> <p>21          Number 3?</p> <p>22          A.     I do.</p> <p>23          Q.     Okay, and if you go to the narrative, this</p> <p>24          is regarding -- this IBR was created regarding the firearm</p>



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<p>1 with Mr. Bailey; is that right?</p> <p>2 A. Yes, that's right.</p> <p>3 Q. Okay. And now, on the second page of that,</p> <p>4 where it says "Narratives"?</p> <p>5 A. (Indicating).</p> <p>6 Q. Right, right there at the bottom, usually</p> <p>7 isn't there a name of an individual who enters that</p> <p>8 narrative there, right there on that page?</p> <p>9 A. I'm not sure.</p> <p>10 Q. Okay. Was there ever any indication that</p> <p>11 Mr. Dunn had written this narrative and you deleted that?</p> <p>12 A. No, it wasn't because I deleted it.</p> <p>13 Q. Okay. Did you ever make any changes to</p> <p>14 this?</p> <p>15 A. No.</p> <p>16 Q. You didn't touch it?</p> <p>17 A. No.</p> <p>18 Q. Okay. All right, so let's look at Page 3</p> <p>19 of that document.</p> <p>20 A. Okay.</p> <p>21 Q. Do you see at the bottom where it says</p> <p>22 "Narrative, 2013," and spouts out a number?</p> <p>23 A. Yes.</p> <p>24 Q. And then it says "Officer" and it gives a</p>	<p>1 "Investigated by Thwaites"?</p> <p>2 A. Yes.</p> <p>3 Q. Is that accurate?</p> <p>4 A. Yes.</p> <p>5 Q. All right.</p> <p>6 A. This is the one where Thwaites told Scott</p> <p>7 to get the warrant, I believe.</p> <p>8 Q. Hmm-hmm, that's right; we were talking</p> <p>9 about this earlier, that's right, and in Mr. Dunn's</p> <p>10 deposition, he indicated at length that he was the one who</p> <p>11 wrote the narrative that appears, the long narrative, that</p> <p>12 appears all in capital letters?</p> <p>13 A. Okay.</p> <p>14 Q. And do you ever remember having any</p> <p>15 discussion with anyone about the fact that he wrote that?</p> <p>16 A. No.</p> <p>17 Q. Okay. Do you have any knowledge of why, if</p> <p>18 he wrote that, why his name is not on this IBR?</p> <p>19 A. I have no idea.</p> <p>20 Q. All right.</p> <p>21 A. You know, sometimes my computer won't put</p> <p>22 my name on them, but that is probably user error.</p> <p>23 MR. STRELKA: All right. All right. I</p> <p>24 only have just a few more questions. Let's go off</p>
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<p>1 letter and some numbers and then it says "Bogges, M.C.,"</p> <p>2 and what does that information tell you on this document?</p> <p>3 A. It tells you that the following document</p> <p>4 was --</p> <p>5 Q. The following information?</p> <p>6 A. Yes, the following information was entered</p> <p>7 by Mason Bogges.</p> <p>8 Q. Okay. So wouldn't there have typically</p> <p>9 been, in this previous narrative, the same thing?</p> <p>10 A. You would think so.</p> <p>11 Q. And a time stamp with a name of the</p> <p>12 individual who wrote this?</p> <p>13 A. You would think so.</p> <p>14 Q. And let's look at the first page of this</p> <p>15 Exhibit Number 3. You see where it says, "Assignment;" do</p> <p>16 you see that?</p> <p>17 A. Yes.</p> <p>18 Q. And you see in the first line there at the</p> <p>19 end of it, it says, "Reported by Tickle."</p> <p>20 A. Yes.</p> <p>21 Q. Is -- your understanding is that that is an</p> <p>22 accurate record there, that that was reported by Tickle?</p> <p>23 A. He may have been the one to do the report.</p> <p>24 Q. What about beneath that where it says</p>	<p>1 the Record for a second.</p> <p>2 (Discussion off the Record.)</p> <p>3 (A recess was taken.)</p> <p>4 BY MR. STRELKA:</p> <p>5 Q. I would like to show you Exhibit Number 5</p> <p>6 that was entered at Scott Dunn's deposition. Do you</p> <p>7 recognize that vehicle?</p> <p>8 A. I think that that is the one that sits</p> <p>9 behind the sheriff's office.</p> <p>10 Q. Was that a vehicle that was -- we talked</p> <p>11 earlier about vehicles that were going to be surplus.</p> <p>12 Was that one of those vehicles?</p> <p>13 A. No.</p> <p>14 Q. Was it a completely separate vehicle?</p> <p>15 A. Yes.</p> <p>16 Q. And what does that vehicle -- what is the</p> <p>17 function of that vehicle now?</p> <p>18 A. Well, right now, today, it's at the school</p> <p>19 bus garage, the County garage, with no tags on it. It's</p> <p>20 going to be surplus.</p> <p>21 Q. Okay. Did you ever have any discussions</p> <p>22 with any Board members about the firing or terminating of</p> <p>23 Scott Dunn?</p> <p>24 MR. GUYNN: Before or after?</p>

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<p>1 MR. STRELKA: Before.</p> <p>2 THE WITNESS: No.</p> <p>3 BY MR. STRELKA:</p> <p>4 Q. You don't -- did you have any conversation</p> <p>5 with Chris McKlarney in which you indicated that you</p> <p>6 wanted to terminate Scott Dunn?</p> <p>7 A. No.</p> <p>8 Q. That never happened?</p> <p>9 A. No.</p> <p>10 Q. Jay -- what is his name?</p> <p>11 MR. DUNN: Williams.</p> <p>12 BY MR. STRELKA:</p> <p>13 Q. Did you ever talk to Jay Williams?</p> <p>14 A. Yes, I talked to Jay, yes.</p> <p>15 Q. And did you say that you wanted to</p> <p>16 terminate Scott Dunn?</p> <p>17 A. No, I was -- I wanted it to work out.</p> <p>18 Q. So your testimony is that prior to your</p> <p>19 decision to terminate Scott Dunn, you never had any single</p> <p>20 conversation with any member of the Board, including the</p> <p>21 County administrator, Chris McKlarney, about your</p> <p>22 intention to terminate Scott Dunn?</p> <p>23 A. I know that I didn't with Chris McKlarney.</p> <p>24 Q. But you are unsure of the other people?</p>	<p>1 WITNESS SIGNATURE PAGE</p> <p>2 I hereby certify that I have read my</p> <p>3 deposition, and made those changes and/or</p> <p>4 corrections I deem necessary, and approve the same</p> <p>5 as now written.</p> <p>6 Executed this _____ day of _____,</p> <p>7 2015.</p> <p>8</p> <p>9</p> <p>10 By:</p> <p>11 _____</p> <p>12 MORGAN MILLIRONS</p> <p>13 Witness</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
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<p>1 A. I'm unsure about Jay Williams because Jay</p> <p>2 and I, we used to talk about every week, and I don't know</p> <p>3 what we talked about.</p> <p>4 Q. What about Ms. Hobbs; did you ever talk to</p> <p>5 her about terminating Scott Dunn?</p> <p>6 A. I don't know.</p> <p>7 Q. So it's possible you could have?</p> <p>8 A. It's possible.</p> <p>9 Q. All right.</p> <p>10 A. We talk about a lot of things.</p> <p>11 Q. The last thing --</p> <p>12 A. Jay did talk to me one time after I</p> <p>13 terminated him. He asked me --</p> <p>14 MR. GYNN: That wasn't the question.</p> <p>15 THE WITNESS: Okay.</p> <p>16 MR. STRELKA: Hold on. I don't have any</p> <p>17 further questions. Thank you, sir, you are free</p> <p>18 to leave.</p> <p>19 MR. GYNN: Actually, I just have -- no, I</p> <p>20 don't have any questions, either. We'll read.</p> <p>21</p> <p>22 (The deposition concluded at 2:44 p.m.)</p> <p>23</p> <p>24</p>	<p>1 C E R T I F I C A T E</p> <p>2 COMMONWEALTH OF VIRGINIA</p> <p>3 COUNTY OF ROANOKE</p> <p>4 I, Lisa M. Hooker, Notary Public in and for</p> <p>5 the Commonwealth of Virginia, at Large, do hereby certify</p> <p>6 that the Deposition of MORGAN MILLIRONS was by me reduced</p> <p>7 to machine shorthand in the presence of the witness,</p> <p>8 afterwards transcribed under my direction by means of</p> <p>9 Computer, and that to the best of my ability the foregoing</p> <p>10 is a true and correct transcript of the Deposition as</p> <p>11 aforesaid.</p> <p>12 I further certify that this Deposition was</p> <p>13 taken at the time and place in the foregoing caption</p> <p>14 specified.</p> <p>15 I further certify that I am not a relative,</p> <p>16 counsel or attorney for either party or otherwise</p> <p>17 interested in the outcome of this action.</p> <p>18 IN WITNESS WHEREOF, I have hereunto set my</p> <p>19 hand at Roanoke, Virginia, on this the 20th day of</p> <p>20 April, 2015. <i>Lisa M. Hooker RPR</i></p> <p>21</p> <p>22 Lisa M. Hooker</p> <p>23 Notary Public</p> <p>24</p> <p>My commission expires October 31, 2015.</p> <p>Notary Registration Number: 165043</p>

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1 ERRATA SHEET

2 DEPOSITION OF: MORGAN MILLIRONS

CASE: DUNN v. MILLIRONS

3 DATE TAKEN: APRIL 7, 2015

REPORTER: LISA M. HOOKER, RPR

4

I have read the foregoing deposition and I wish to  
make the following changes:

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7 PAGE LINE CHANGE REASON

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WITNESS NAME

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